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UNITED STATES DEPARTMENT OF AGRICULTURE
BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE
WASHINGTON, D. C.

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A

RULES AND REGULATIONS

OF

*Bureau of Entomology and
Plant Quarantine*

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CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

NOTE: Paragraph 3 of Executive Order 9069, February 23, 1942; Title 3, *supra*, consolidated the Bureau of Entomology and Plant Quarantine with certain other agencies of the Department of Agriculture into an agency "to be known as the Agricultural Research Administration of the Department of Agriculture".

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AUTHORITY: §§ 301.13 to 301.72-9, inclusive, issued under 37 Stat. 318, as amended; 7 U.S.C. 161. § 301.72-9 (b) issued under 33 Stat. 1270; 7 U.S.C. 143.

Subpart—Mediterranean Fruitfly and Melon Fly

NOTE: For notice of quarantine and the text of the regulations in this subpart not appearing in this supplement, see 7 CFR Part 301.

RULES AND REGULATIONS

§ 301.13-2a *Administrative instructions; sterilization of fruits and vegetables from Hawaii*—(a) *Provision for certification.* Provision is hereby made for the certification of fruits and vegetables for movement from the Territory of Hawaii into or through any State, Territory or District of the United States when the following treatments are applied in Hawaii at plants designated for this purpose by the United States Department of Agriculture and under the supervision of the inspectors of the Bureau of Entomology and Plant Quarantine.

(b) *Treatments.* (1) Cooling until the approximate center of the fruit or vegetable reaches a temperature of 35° F. and holding the fruit or vegetable so the inside temperature does not exceed 35° F. for a period of 15 days.

(2) Heating the fruit or vegetable until the approximate center reaches 110° F. and holding this temperature for a period of 8 hours.

(c) *Loading. Provided,* That in the issuance of permits fruits and vegetables so treated shall be moved and handled by the treating plant and loaded on ships in a manner which, in the judgment of the inspectors, will preclude fruit-fly infestation subsequent to treatment.

(d) *Care in treatment.* In authorizing the entry of fruits and vegetables into the mainland of the United States under the provisions of this section, it should be emphasized that inexactness and carelessness in applying the treatment may result in injury to fruits or vegetables or to their rejection.

(e) *No liability assumed by Department.* The treatment required under the provisions of this section represents the requirements necessary for the elimination of pest risk and no liability shall be attached to the United States Department.

ment of Agriculture or to any officer or representative of that Department in event of injury resulting to fruit or vegetable offered for entry under the provisions of this section. It should also be emphasized that evidence based on trial shipments under conditions of transportation from Hawaii is not available to demonstrate that fruits and vegetables will be marketable after the application of the treatments here authorized, and that any fruits or vegetables treated and shipped under the provisions of this section are at the risk of the shipper. (Issued under § 301.13-2) [BEPQ 481, Chief, BEPQ, Oct. 19, 1938; 3 F. R. 2515]

§ 301.13-2b *Administrative instructions; shipment of fruits and vegetables from Hawaii to the mainland subject to fumigation with methyl bromide under supervision*—(a) *Provision for certification*. Provision is hereby made, effective August 1, 1940, for the certification of guavas, papayas, bell peppers, bitter melon, cucumbers, summer squash, string beans, and tomatoes for movement from the Territory of Hawaii into or through any State, Territory, or District of the United States, when the prescribed fumigation with methyl bromide is applied in Hawaii at plants designated for this purpose by the United States Department of Agriculture and under the supervision of the inspectors of the Bureau of Entomology and Plant Quarantine. Any fruits or vegetables treated and shipped under the provisions of this section are so handled at the risk of the shipper, and no liability shall attach to the United States Department of Agriculture or to any officer or representative of that Department in the event of injury resulting to the fruits and vegetables named.

(b) *Required fumigation equipment*. Fumigation must be performed in a gas-tight fumigation chamber. This chamber shall be lined with sheet metal, with locked and soldered seams, and fitted with a tight metal-clad door which closes against gaskets so that it is gas-tight at ordinary atmospheric pressures. The fumigation chamber shall be equipped with a blower type fan having a capacity of at least one-third the volume of the room per minute for stirring the gas mixture in the chamber. A method for ventilating the fumigation chamber and removing the fumigant

from the commodity after fumigation shall also be provided. The fumigation equipment and method of application of the fumigant shall be satisfactory to the inspector charged by the Department with the supervision of the treatment.

(c) *Method of fumigation*. The commodity to be treated shall be stacked in the chamber in a manner satisfactory to the supervising inspector and fumigated for a period of 3½ hours at a dosage of 2 pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the commodity. The temperature of the commodity within the fumigation chamber shall not be lower than 80° F. throughout the period of fumigation. Throughout the exposure the fan referred to above shall be operated. After the fumigation has been completed the commodity shall be ventilated by drawing fresh air over and through the load for a period of at least 20 minutes.

(d) *Caution*. Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation purposes. It is a poison and the operator should, as a measure of safety, use an approved gas mask when exposed to the gas at concentrations used in fumigation and when opening the door to ventilate the fumigation chamber. The fumigation chamber should not be entered without a gas mask until it has been thoroughly aerated.

(e) *Certification*. The certification of the fruits and vegetables enumerated will be contingent upon the surrounding of the products so treated with safeguards which, in the judgment of the inspector, will preclude infestation of the treated fruits and vegetables from the time they leave the fumigation chamber until loaded for dispatch to the mainland. (Issued under § 301.13-2) [BEPQ 510, Chief, BEPQ, July 15, 1940, effective Aug. 1, 1940; 5 F.R. 2608]

§ 301.13-8 *Inspection of vessels*. Inspectors of the United States Department of Agriculture are authorized to enter upon ships or vessels from Hawaii at any time after they come within the territorial waters of any State, Territory, or District of the United States other than Hawaii, whether in the stream or at the dock, wharf, or mole, for the purpose of ascertaining by inspection

whether any of the fruits or vegetables covered by § 301.13 are contained in such ships or vessels as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables. All ships or vessels plying between Hawaii and any State, Territory, or District of the United States other than Hawaii, upon coming within the boundaries of any port within the United States other than Hawaii, must stop in the quarantine area of such port to permit boarding by inspectors of the United States Department of Agriculture for the purpose of making such inspection, and such ships or vessels must remain in the quarantine area until such inspection is completed. Such boarding shall be done only between the hours of sunrise and sunset, and any such ship or vessel arriving after sunset must remain at anchor in the quarantine area until boarded and released by an inspector of the United States Department of Agriculture the following morning: *Provided*, That boarding and inspection between the hours of sunset and sunrise may be done when notice in advance, giving the approximate hour of arrival and the number of passengers carried, if any, is furnished in time to permit satisfactory arrangements therefor by the inspector.

When such ship or vessel has been inspected in a manner satisfactory to the inspector making the inspection and is found to be apparently free from the articles enumerated in § 301.13, such inspector shall immediately issue and deliver to the person having charge or possession of such ship or vessel a certificate evidencing such inspection, which shall permit such ship or vessel to proceed from the quarantine area to anchorage or to dock, wharf, or mole. [Reg., Sec. Agric., May 10, 1941, effective May 12, 1941; 6 F.R. 2375]

Subpart—Sugarcane

NOTE: For notice of quarantine, see 7 CFR 301.16.

Subpart—Sweetpotatoes

NOTE: For notice of quarantine, see 7 CFR 301.30.

Subpart—Banana Plants

NOTE: For notice of quarantine, see 7 CFR 301.32.

Subpart—Black Stem Rust

NOTE: For notice of quarantine and the text of the regulations in this subpart not appearing in this supplement, see 7 CFR Part 301.

QUARANTINE

§ 301.38a *Administrative instructions; classification of barberry and mahonia plants.* (a) Sections 301.38-1 and 301.38-2 provide that no plants, cuttings, stocks, scions, buds, fruits, seeds, or other plant parts capable of propagation, of the genera *Berberis*, *Mahonia*, or *Mahoberberis*, "shall be moved or allowed to be moved interstate from any State of the continental United States or from the District of Columbia into any of the protected States, namely, Colorado, Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Ohio, Pennsylvania, South Dakota, Virginia, West Virginia, Wisconsin, and Wyoming, nor from any one of said protected States into any other protected State, unless a permit shall have been issued therefor by the United States Department of Agriculture, except that no restrictions are placed by the regulations in this subpart on the interstate movement either of Japanese barberry (*Berberis thunbergii*) or any of its rust-resistant varieties, or of cuttings (without roots) of *Mahonia* shipped for decorative purposes and not for propagation." (See § 301.38-2 (a))

(b) The protected States referred to in subparagraph (2) of this paragraph are the 17 barberry eradication States named in paragraph (a) of this section. Barberry and mahonia plants other than those listed in subparagraphs (1) and (2) of this paragraph following may not be shipped interstate into any of the protected States.

(1) *Barberries which may be shipped interstate to any State without permit or restriction.*

Berberis thunbergii.
Berberis thunbergii var. *atropurpurea*.
Berberis thunbergii var. *maximowiczii*.
Berberis thunbergii var. *minor*.
Berberis thunbergii f. *erecta*.

(2) *Barberries which may be shipped into or between protected States under Federal permit.*

Berberis aquifolium (*Mahonia*).
Berberis bealei (*Mahonia*).
Berberis beaniana.

Berberis buxifolia.
Berberis candidula.
Berberis chenaulti (hybrid).
Berberis circumscissata.
Berberis concinna.
Berberis darwini.
Berberis edgeworthiana.
Berberis gagnepaini.
Berberis gilgiana.
Berberis julianae.
Berberis koreana.
Berberis mentorensis.
Berberis nervosa (Mahonia).
Berberis potanini.
Berberis repens (Mahonia).
Berberis sanguinea.
Berberis sargentiana.
Berberis stenophylla (hybrid).
Berberis triacanthophora.
Berberis verruculosa.

Application for permits should be addressed to the Division of Domestic Plant Quarantines, Bureau of Entomology and Plant Quarantine, United States Department of Agriculture, Washington, D. C. (Issued under § 301.38) [BEPQ 385, 3d rev., Chief, BEPQ, Dec. 3, 1942, effective Dec. 15, 1942; 7 F.R. 10305]

Subpart—Gypsy Moth and Brown-tail Moth

QUARANTINE

§ 301.45 *Notice of quarantine.* The Secretary of Agriculture has determined that it is necessary to quarantine the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, to prevent the spread of two injurious insects—the gypsy moth (*Porthetria dispar* L.) and the brown-tail moth (*Nygmia phaeorrhoea* Don.)—not heretofore widely distributed within and throughout the United States.

The Secretary of Agriculture, under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 161), as amended, does hereby quarantine the States of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut, and by this notice of quarantine orders that (a) coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known and described as “Christmas trees,” and parts thereof, and evergreen decorative plants, such as boxwood, holly, and laurel, and parts thereof, known and described as “Christmas greens and greenery;” (b) forest-plant products, including logs,

tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (c) trees, shrubs, vines, and all plants having persistent woody stems, and parts of such plants excepting seeds and fruit; and (d) stone and quarry products, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas, in a quarantined State, now or hereafter designated by the Secretary of Agriculture as regulated areas, when said State shall have provided for and enforced such control and regulatory measures with respect to such designated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the gypsy moth and brown-tail moth: *And provided further*, That, whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles enumerated in the regulations supplemental hereto, making it safe to modify, by making less stringent, the restrictions contained in any such regulation, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and a copy thereof shall be mailed to the common carriers doing business in the quarantined area affected and every reasonable effort shall be made to give publicity to the said modification of the regulation in the area affected. [Notice of Quarantine No. 45 (Revised), Sept. 28, 1938; 3 F.R. 2342]

§ 301.45a *Administrative instructions; articles exempted from restrictions.* The following articles, the interstate movement of which is not consid-

ered to constitute a risk of moth dissemination, are exempted from the restrictions of § 301.45, effective November 20, 1942.

Acacia cuttings for ornamental use (*Acacia* spp.).

Banana stalks, when crushed, dried, and shredded.

Birch slabs for use as post cards.

Birch bark when waxed, polished, or otherwise treated to adequately eliminate all risk of transmitting infestation and when used in the manufacture of novelties.

Box shooks, when newly manufactured and planed on four sides.

Boxwood cuttings and branches for ornamental use (*Buxus sempervirens*).

Cable reels, when newly manufactured and empty.

California peppertree cuttings and branches for ornamental use (*Schinus molle*).

Clubmoss (sometimes called "ground pine") (*Lycopodium* spp.).

Cuttings of woody plants that have been grown in the greenhouse throughout the year, when labeled on the outside of the container to show that the contents were greenhouse grown.

Eucalyptus cuttings and branches for ornamental use (*Eucalyptus globulus*).

Evergreen smilax (*Smilax lanceolata*).

Fuchsia (*Fuchsia* spp.).

Galax (*Galax aphylla*).

Geranium (*Peiargonium* spp.).

Heather cuttings for ornamental use (*Erica* spp., *Calluna* spp.).

Heliotrope (*Heliotropium* spp.).

Herbarium specimens, when dried, pressed, and treated, and when so labeled on the outside of each container.

Jerusalem-cherry (*Solanum capsicastrum*, *S. pseudocapsicum*, *S. hendersoni*).

Leaves of deciduous or evergreen trees that have been treated or dyed.

Mistletoe (*Phoradendron flavescens*, *Viscum album*, etc.).

Oregon huckleberry (*Vaccinium ovatum*).

Partridgeberry (*Mitchelia repens*).

Salal, known to the trade as lemon cuttings, for ornamental use (*Gaultheria shallon*).

Sawdust that has been (1) produced in established, nonportable, commercial sawmills from boards or other timber previously sawed four sides, (2) subsequently blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 45° or sharper angle, (3) protected from infestation prior to shipment, and (4) identified as specified below.

Shavings that have been either (1) produced by planers having 6 or more blades, or (2) blown through an air-blast conveyor line having a minimum length of 50 feet and at least one 45° or sharper angle; and in either case protected from infestation prior to shipment, and identified as specified below.

Invoices and waybills covering bulk carload or less-than-carload shipments of sawdust or shavings meeting these conditions for exemption shall bear thereon a notation to the effect that:

"The consignor guarantees that the contents of this shipment have been produced under conditions which entitle the material to exemption as specified in the Federal gypsy moth quarantine regulations or administrative instructions thereto."

Strawberry plants (*Fragaria* spp.)

Trailing arbutus (*Epigaea repens*).

Verbena (*Verbena* spp.).

Vermiculite (variously termed zonolite or mica-gro) when exfoliated or expanded and when packaged in closed containers.

Wintergreen for ornamental use (*Gaultheria procumbens*, *Pyrola* spp.). See also Salal.

Wood flour, pulverized wood, or ground wood sawdust, when processed by screening or sifting through a screen of at least 30 meshes per inch.

(Issued under § 301.45) [BEPQ 386, 7th rev., Chief, BEPQ, Nov. 17, 1942, effective Nov. 20, 1942; 7 F.R. 9828]

RULES AND REGULATIONS

SOURCE: §§ 301.45-1 to 301.45-10, inclusive, contained in Rules and regulations (8th Revision), Secretary of Agriculture, Sept. 28, 1938, effective Sept. 29, 1938; 3 F.R. 2342. Exception is noted in brackets following section affected.

§ 301.45-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Gypsy moth.* The insect known as the gypsy moth (*Porthetria dispar* L.).

(b) *Brown-tail moth.* The insect known as the brown-tail moth (*Nygmia phaeorrhoea* Don., formerly referred to as *Euproctis chrysorrhoea*).

(c) *Quarantined area.* Any State quarantined by the Secretary of Agriculture upon determination by him that either the gypsy moth or the brown-tail moth, or both, exist therein.

(d) *Regulated area.* The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as regulated to prevent the spread of the gypsy moth or brown-tail moth, or both, therefrom.

(e) *Generally infested area.* The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as generally infested with the gypsy moth.

(f) *Lightly infested area.* The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as lightly infested with the gypsy moth.

(g) *Brown-tail moth infested area.* The entire area comprised of portions of the quarantined States now or hereafter designated by the Secretary of Agriculture as infested with the brown-tail moth.

(h) *Restricted articles.* (1) Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arborvitae (white cedar), without roots, known and described as "Christmas trees", and parts thereof, and evergreen decorative plants, such as boxwood, holly, and laurel, and parts thereof; (2) forest-plant products, including logs, tanbark, posts, poles, car stakes, railroad ties, cordwood, empty cable reels, and lumber; (3) trees, shrubs, vines, and all plants having persistent woody stems, and parts of such plants, excepting seeds and fruit; and (4) stone and quarry products.

(i) *Moved interstate; interstate movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State of the United States into or through any other State or Territory or District.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

301.45-2 *Limitation of restrictions to regulated areas; designation of regulated areas; generally infested area; lightly infested area; brown-tail moth infested area—*(a) *Regulated areas.* Conditioned upon maintenance on the part of the State concerned of action deemed adequate by the Secretary of Agriculture to prevent the spread of the gypsy moth and brown-tail moth or both such moths, from the regulated area or areas to other parts of the State, the restrictions of the regulations in this subpart are limited to the following areas:

Connecticut. Counties of Hartford, Middlesex, New London, Tolland, and Windham; towns of Barkhamsted, Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County.

Maine. Counties of Androscoggin, Cum-

berland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Avon, Berlin, Carthage, Chesterville, Crockertown, Dallas Plantation, Farmington, Freeman, Greenville, Industry, Jay, Jerusalem, Kingfield, Madrid, Mount Abraham, New Sharon, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, Weld, and Wilton, and Townships D and E, in Franklin County; all of Hancock County except Plantations 3, 4, 35, and 41; all that part of Oxford County south and southeast of and including the towns of Magalloway and Richardsontown; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Plymouth, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; all that part of Somerset County south and southeast of and including Highland and Pleasant Ridge Plantations, town of Moscow, and Mayfield Plantation; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Millbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. Counties of Barnstable, Bristol, Dukes, Essex, Hampden, Hampshire, Middlesex, Nantucket, Norfolk, Plymouth, Suffolk, and Worcester; all of Franklin County except the town of Monroe.

New Hampshire. Counties of Belknap, Carroll, Cheshire, Grafton, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all that part of Coos County lying south of and including the towns of Stratford, Odell, Dummer, and Cambridge.

Rhode Island. The entire State.

Vermont. Counties of Orange, Windham, and Windsor; towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in Bennington County; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Gulldhal, Lunenburg, Maldstone, and Victory, in Essex County; town of Elmore in Lamoille County; towns of Mount Holly, Mount Tabor, Pittsfield, Sherburne, Shrewsbury, and Wallingford, in Rutland County; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in Washington County.

(b) *Division of regulated area.* For the purpose of regulating inspection and transportation, the territory designated above is divided into two classes of areas to be known as the "generally infested" and "lightly infested" areas respectively,

and part of such regulated area is also designated as "brown-tail moth infested."

(c) *Lightly infested area.* The following States, counties, townships, towns, plantations, cities, and other political subdivisions, including any cities, towns, boroughs, or other political subdivisions included within their limits, are designated as the lightly infested area:

Connecticut. County of Middlesex; towns of Avon, Berlin, Bristol, Burlington, Farmington, Marlboro, New Britain, Newington, Plainville, Rocky Hill, Southington, and West Hartford, in Hartford County; towns of Colebrook, Harwinton, New Hartford, Plymouth, Thomaston, Torrington, and Winchester, in Litchfield County; towns of Branford, Guilford, Madison, Meriden, North Branford, North Haven, Waterbury, and Wolcott, in New Haven County; towns of East Lyme, Lyme, and Old Lyme, in New London County.

Maine. Towns of Avon, Berlin, Carthage, Crockettown, Dalias Plantation, Freeman, Greenvale, Jerusalem, Kingfield, Madrid, Mount Abraham, New Vineyard, Perkins, Phillips, Rangeley Plantation, Redington, Salem, Sandy River Plantation, Strong, Temple, Washington, and Weld, and Townships D and E, in Franklin County; towns of Amherst, Aurora, Bucksport, Dedham, Eastbrook, Franklin, Gouldsboro, Hancock, Lamaine, Mariaville, Orland, Osborn Plantation, Otis, Penobscot, Sorrento, Sullivan, Trenton, Verona, Waltham, city of Ellsworth, and townships or plantations numbered 7, 8, 9, 10, 16, 22, 28, 32, 33, 34, 39, and 40, in Hancock County; towns of Andover, Andover North surplus, Byron, C., C. surplus, Grafton, Hanover, Magalloway, Newry, Richardsontown, Riley Grant, Roxbury, and Upton, in Oxford County; towns of Alton, Argyle, Bradford, Bradley, Carmel, Charleston, Clifton, Corinna, Corinth, Dexter, Dixmont, Eddington, Etna, Exeter, Garland, Glenburn, Grand Falls Plantation, Greenbush, Greenfield, Hampden, Hermon, Holden, Hudson, Kenduskeag, Levant, Milford, Newburgh, Newport, Orono, Orrington, Stetson, Summit, and Veazie, and cities of Bangor, Brewer, and Old Town, in Penobscot County; towns of Abbott, Atkinson, Dover, Foxcroft, Guilford, Kingsbury Plantation, Parkman, Sangerville, and Wellington, in Piscataquis County; towns of Anson, Athens, Bingham, Brighton Plantation, Cambridge, Concord, Cornville, Embden, Harmony, Hartland, Highland, Lexington, Madison, Mayfield, Moscow, New Portland, Palmyra, Pleasant Ridge Plantation, Ripley, St. Albans, and Solon, in Somerset County; towns of Brooks, Frankfort, Jackson, Knox, Monroe, Prospect, Searsport, Stockton Springs, Swanville, Thorndike, Waldo, Winterport, and the city of Belfast, in Waldo County; towns of Beddington, Cherryfield, Columbia, Deblois, Harrington, Milbridge, and Steuben, and Plantations 18 and 24, in Washington County.

Massachusetts. Towns of Charlemont, Hawley, Heath, and Rowe, in Franklin County; towns of Chester and Tolland, in Hampden County; towns of Cummington, Huntington, Middlefield, Plainfield, and Worthington, in Hampshire County.

New Hampshire. Town of Hart Location, in Carroll County; towns of Beans Grant, Cambridge, Carrol, Chandler Purchase, Crawford Grant, Crawford Purchase, Cutts Grant, Dalton, Dummer, Hadleys Purchase, Jefferson, Kilkenny, Lancaster, Low & Burbank Grant, Milan, Nash & Sawyer Location, Northumberland, Odell, Randolph, Sargent Purchase, Stark, Stratford, Success, Thompson & Meserve Purchase, and Whitefield, in Coos County; towns of Bath, Bethlehem, Franconia, Landaff, Lisbon, Litchfield, Lyman, and Monroe, in Grafton County.

Rhode Island. Town of New Shoreham (Block Island), in Newport County.

Vermont. Towns of Landgrove, Peru, Readsboro, Searsburg, and Winhall, in Bennington County; towns of Barnet, Danville, Groton, Kirby, Peacham, Ryegate, St. Johnsbury, and Waterford, in Caledonia County; towns of Concord, Granby, Guildhall, Lunenburg, Maidstone, and Victory, in Essex County; town of Elmore in Lamoille County; towns of Braintree, Brookfield, Chelsea, Corinth, Orange, Randolph, Topsham, Strafford, Tunbridge, Vershire, Washington, West Fairlee, and Williamstown, in Orange County; towns of Mount Holly, Mount Tabor, Pittsfield, Sherburne, Shrewsbury, and Wallingford, in Rutland County; towns of Barre, Berlin, Cabot, Calais, East Montpelier, Marshfield, Middlesex, Montpelier, Moretown, Northfield, Plainfield, Roxbury, Waitsfield, Woodbury, and Worcester, in Washington County; towns of Brookline, Dover, Halifax, Jamaica, Londonderry, Marlboro, Newfane, Somerset, Stratton, Townshend, Wardsboro, Whittingham, Wilmington, and Windham, in Windham County; towns of Andover, Baltimore, Barnard, Bethel, Bridgewater, Cavendish, Ludlow, Plymouth, Pomfret, Reading, Rochester, Royalton, Sharon, Stockbridge, Weston, West Windsor, and Woodstock, in Windsor County.

(d) *Generally infested area.* All parts of the regulated area not designated as lightly infested in paragraph (c) of this section, shall comprise the generally infested area.

(e) *Brown-tail moth infested area.* The following counties, towns, and other political subdivisions, including any cities, boroughs, or other political subdivisions included within their limits, are also infested with the brown-tail moth and are hereby designated as the brown-tail moth infested area:

Maine. Counties of Androscoggin, Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo, and York; towns of Chesterville, Farmington, Industry, Jay, New Sharon, and Wil-

ton, in Franklin County; towns of Bar Harbor, Bucksport, Orland, Surry, and Trenton, and the city of Ellsworth, in Hancock County, and all territory west and south of said towns in said county; towns of Albany, Bethel, Brownfield, Buckfield, Canton, Denmark, Dixfield, Fryeburg, Greenwood, Hartford, Hebron, Hiram, Lovell, Mason, Milton Plantation, Norway, Oxford, Paris, Peru, Porter, Rumford, Stoneham, Stow, Sumner, Sweden, Waterford, and Woodstock, in Oxford County; cities of Bangor and Brewer, and towns of Carmel, Dixmont, Etna, Hampden, Hermon, Newburgh, Orrington, and Plymouth, in Penobscot County; and towns of Canaan, Fairfield, Mercer, Norridgewock, Pittsfield, Skowhegan, Smithfield, and Starks, in Somerset County.

Massachusetts. Counties of Barnstable, Bristol, Dukes, Essex, Middlesex, Nantucket, Norfolk, Plymouth, and Suffolk; towns of Ashburnham, Berlin, Blackstone, Bolton, Boylston, Clinton, Douglas, Fitchburg, Gardner, Grafton, Harvard, Holden, Hopedale, Lancaster, Leominster, Lunenburg, Mendon, Milford, Millbury, Millville, Northborough, Northbridge, Paxton, Princeton, Royalston, Shrewsbury, Southboro, Sterling, Sutton, Templeton, Upton, Uxbridge, Webster, West Bolyston, Westboro, Westminster, and Winchendon, and the city of Worcester, in Worcester County.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; all of Carroll County except the town of Jackson; all of Grafton County except the towns of Bethlehem and Littleton.

Vermont. Towns of Barnet and Ryegate, in Caledonia County; towns of Bradford, Fairlee, Newbury, Thetford, and West Fairlee, in Orange County; towns of Brattleboro, Dummerston, Putney, Rockingham, Vernon, and Westminster, in Windham County; towns of Hartford, Hartland, Norwich, Springfield, Weatherford, West Windsor, and Windsor, in Windsor County.

§ 301.45-3 *Control of movement of restricted articles*—(a) *Certification required.* Except as otherwise provided in this section no restricted articles as defined in § 301.45-1 shall be moved interstate from the regulated areas to or through any point outside thereof, nor from the generally infested area to the lightly infested area, unless and until a certificate or permit shall have been issued therefor by an inspector.

(b) *Christmas trees and evergreen boughs.* Coniferous trees, such as spruce, fir, hemlock, pine, juniper (cedar), and arbovitae (white cedar), without roots, known and described as "Christmas trees", and parts thereof over 1 foot in length, originating in the generally infested area (unless grown as nursery stock in a cultivated nursery and certified under the provisions of

§ 301.45-4), shall not be moved interstate to any point outside of such area and no certificate or permit will be issued authorizing such movement. Such articles which have originated in the lightly infested area may be moved interstate from the generally infested area under the inspection and certification prescribed in paragraph (a) of this section.

(c) *Shipments from brown-tail moth infested area.* Except as provided in paragraph (e) of this section no deciduous trees or shrubs, or such branches or other parts thereof as bear leaves, shall be moved interstate from the area designated as infested by the brown-tail moth to any point outside thereof unless and until a certificate or permit shall have been issued therefor by an inspector, except that as to such movement wholly within the generally infested gypsy-moth area or wholly within the lightly infested gypsy-moth area, or from the lightly infested to the generally infested gypsy-moth area, a valid State nursery inspection certificate of the State from which the shipment is made may be substituted for such Federal certificate or permit.

(d) *Shipments within regulated areas unrestricted.* Other than as prescribed in paragraph (c) of this section, and in § 301.45-7, no restrictions are placed by the regulations in this subpart on the interstate movement of restricted articles wholly within the generally infested area or wholly within the lightly infested area or from the lightly infested area to the generally infested area.

(e) *Cut flowers and greenhouse-grown plants.* In the case of woody plants which are grown in the greenhouse throughout the year, the plants themselves and the cut flowers thereof may be moved interstate without inspection or certification¹ under the regulations in this subpart on condition that each box or package thereof is plainly labeled to show that the contents were greenhouse grown.

(f) *Herbaceous plants unrestricted.* No restrictions are placed by the regulations in this subpart on the interstate movement of strawberry plants, or of other herbaceous annual or perennial plants or parts thereof.

¹ Shipments of such plants and flowers from the area regulated under § 301.48 are subject to the certification requirements of that quarantine.

§ 301.45-4 *Conditions governing the issuance of certificates of inspection—*
 (a) *Application; assembly of articles for inspection.* Persons intending to move restricted articles interstate shall make application therefor as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of the plants or plant products or stone and quarry products it is proposed to move, together with their exact location, and, if practicable, the contemplated date of shipment. Applicants for inspection will be required to assemble or indicate the articles to be moved interstate so that they can be readily examined by the inspector. If not so placed, inspection will be refused. Articles to be inspected must be free from ice and snow and in condition to make inspection easily practicable.

(b) *Nursery-grown stock.* With respect to nursery-grown stock, Federal inspection and the issuance of Federal certificates authorizing the interstate movement of nursery products will be conditioned on the presentation of a valid State certificate stating that the nursery or lot of nursery stock in question has been inspected by a State nursery inspector and certifying that it is apparently free from infestation with gypsy and brown-tail moths. Such State certification shall be renewed each year, shall be based on an inspection made as promptly as practicable after the egg-laying period of the gypsy moth, and shall be valid for the purpose of Federal certification, until the following egg-hatching period, except that, pending reinspection, shipments may be inspected and certified for interstate movement on the basis of the State certification of the preceding year. Whenever any nursery or independent unit thereof in the regulated area, or any shipment therefrom, is reported by a State inspector to be appreciably infested with either the gypsy moth or the brown-tail moth, or whenever such infestation is determined by a Federal inspector, further certification for interstate movement from such nursery, or independent unit thereof, will be refused until such nursery has been freed from infestation and has been again inspected and certified by the State to be apparently clean except that during such periods of refusal, Federal inspection and certification of individual shipments of nursery stock

from nurseries being freed from infestation may be given provided a special certificate showing freedom from infestation has been issued therefor by a State inspector after examination of the material in each such shipment. During the larval period of the gypsy moth all nursery stock shall be assembled for the examination of the Federal inspector, and if passed by him as free from any infestation, either by egg masses or larvae, it may then be lined up and thoroughly sprayed under the direction of and in manner and method satisfactory to the said inspector, who will certify each shipment as having been thus inspected and treated.

(c) *Native trees and shrubs.* With respect to living trees and plants not grown in nurseries, inspection and certification for interstate movement will be conditioned upon the presentation of a statement by the applicant specifying the exact source of such trees and plants, and in addition to such statement, if dug on land other than the property of the applicant, a permit from the owner of the said land authorizing such digging, provided such permit is required under the law of the State wherein the land is situated. If the inspection of the trees or plants intended for shipment discloses infestation with either the gypsy moth or brown-tail moth, certification may be refused as to the intended shipment and as to other similar shipments of trees or plants originating on the same property or in the same locality.

(d) *Forest products and stone and quarry products.* (1) Certificates of inspection authorizing the interstate movement of forest products and stone and quarry products may be issued under either of the following conditions:

(i) When the articles to be moved interstate have actually been inspected and found free from infestation; or

(ii) When the articles have been disinfected under the supervision of an inspector in such a manner as to eliminate all risk of infestation. With respect to quarries, and with respect to yards or other places where forest products are assembled for shipment, as a condition of inspection and certification, the premises or surroundings of such places shall be cleaned up and kept free from gypsy moth infestation.

(2) Forest products such as shavings or sawdust may be authorized interstate

movement to such processing or manufacturing plants in nonregulated areas as may be designated by authority of the Chief of the Bureau of Entomology and Plant Quarantine for manufacturing or processing or treatment under either of the following conditions:

(i) Under a certificate of inspection issued by the inspector upon the determination that the materials do not represent a hazard of spread of infestation; or

(ii) Under a limited permit to the consignor, the issuance of which will be conditioned upon agreement that he will comply with such sanitation provisions with respect to methods of handling at point of origin and production, and conditions of shipment, as may be required by an inspector, and upon agreement by the consignee that he will comply with such sanitation provisions with respect to methods of handling at destination as may be required by an inspector.

(e) *Charges for storage.* All charges for storage, cartage, and labor incident to inspection or disinfection other than the services of the inspectors shall be paid by the shipper.

(f) *Use of certificates.* Certificates of inspection will be issued only for plants and plant products and stone and quarry products which are free from infestation by the gypsy moth and the brown-tail moth and have been so determined by an inspector. The use of such certificates in connection with plants and plant products and stone and quarry products which are not in compliance with the regulations in this subpart is unlawful.

(g) *Report of certificates.* Persons to whom certificates are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area. [R. and regs., (8th Rev.), Sec. Agric., Sept. 28, 1938, effective Sept. 29, 1938, as amended by BEPQ 515, Chief, BEPQ, July 8, 1941, effective July 15, 1941; 3 F.R. 2342, 6 F.R. 3512]

§ 301.45-5 *Conditions governing the issuance of permits without inspection, and the reporting of shipments.* (a) Permits authorizing interstate movement of restricted articles may be issued (1) when such products have been grown, or manufactured, processed, and stored in such a manner that, in the judgment of the inspector, no infestation could be transmitted, and (2) when such products

originate outside of the infested areas and, while within the infested area, have been stored and safeguarded in such a manner that, in the judgment of the inspector, no infestation could be transmitted. Permits will be issued only for plants and plant products and stone and quarry products which are not infested with the gypsy moth or brown-tail moth.

(b) Persons to whom permits are issued shall report at time of shipment on forms provided for that purpose all their sales or shipments of such articles to points outside the regulated area.

§ 301.45-6 *Marking and certification a condition of interstate transportation.*

(a) Every box, basket, bale, or other container of the articles restricted for which a certificate or permit is required by the regulations in this subpart shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and the shipper shall securely attach to the outside thereof a valid certificate or permit issued in compliance with the regulations in this subpart. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

§ 301.45-7 *Thorough cleaning required of cars, boats, and other vehicles before moving interstate.* Cars, boats, and other vehicles which have been used in transporting restricted articles within the regulated areas shall not be moved interstate until the same shall have been thoroughly swept out and cleaned by the carrier at the point of unloading or destination of all litter and rubbish from such regulated articles. No litter, rubbish, or refuse from any such restricted articles shall be moved interstate.

§ 301.45-8 *Inspection in transit.* Every car, vehicle, basket, box, bale,

or other container moved interstate which contains or which the inspector has probable cause to believe contains either infested articles or articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.

§ 301.45-9 *Cancellation of certificates and permits.* Certificates and permits issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certification refused, whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

§ 301.45-10 *Shipments for experimental, scientific, or educational purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental, scientific, or educational purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved, shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

Subpart—Hawaiian and Puerto Rican Cotton, Cottonseed and Cottonseed Products

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 301.47-301.47-2.

Subpart—Japanese Beetle

QUARANTINE

§ 301.48 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the Secretary of Agriculture does hereby quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter (a) fruits and vegetables; (b) nursery, ornamental, and greenhouse stock, and other plants; and (c) sand, soil, earth, peat, compost, and manure, shall

not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected

areas. [Notice of Quarantine 48, Sec. Agric., Mar. 20, 1942, effective Mar. 24, 1942; 7 F.R. 22021]

INSPECTORS' INSTRUCTIONS FOR JAPANESE BEETLE TREATMENT

§ 301.48b *Administrative instructions to inspectors on the treatment of nursery products, fruits, vegetables, and soil, for the Japanese beetle.* Existing methods authorized for the treatment of sand, soil, earth, peat, compost, manure, nursery stock, fruits, and vegetables for the elimination of the Japanese beetle have been revised and consolidated in this section. Methods outlined herein are to be employed as a basis of quarantine certification under §§ 301.48-5 to 301.48-7. The issuance of this section cancels the methods of treatment prescribed in BPQ 359 and its four supplements, BEPQ 473, BEPQ 475, and BEPQ 480.

While no guarantee can be given that no injury will be caused to the commodity, the treatments are recommended only for those commodities which experience has shown were not seriously injured. It must be understood by the nurseryman and shipper that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury. The inspector must bring this condition of treatment and the facts in reference to the use of the chemicals to the attention of some responsible person at the nursery or shipping point before the treatments are applied.

Inspectors must familiarize themselves with cautions for each chemical.

GRADES REQUIRED AND CAUTIONS ON THE USE OF AUTHORIZED CHEMICALS

The chemicals authorized for the treatment of soil, nursery stock, fruits, and vegetables, especially carbon disulphide, carbon disulphide emulsion, ethylene oxide, hydrocyanic acid, and methyl bromide, are dangerous and proper care must be exercised in handling them. The facts in reference to these chemicals must be brought to the attention of some responsible person at the nursery or shipping point before the treatments are applied.

(a) *Carbon disulphide.* A technical, C. P., or U. S. P. grade is required. It should be stored in tight drums or cans in a cool, dry place.

The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(b) *Carbon disulphide emulsion.* The required carbon disulphide emulsion consists of carbon disulphide, meeting the above requirements, mixed with an equal volume of a castor-oil-soap emulsifier which has been prepared according to the directions published in the Journal of Industrial and Engineering Chemistry, Volume 20, pages 849-850, August 1929.

The carbon disulphide and the castor-oil-soap emulsifier should be obtained in separate containers. The emulsion must never be prepared in a large quantity. It should be prepared in the field as it is used. In preparing the stock emulsion, equal volumes of carbon disulphide and the emulsifier are mixed. This stock emulsion, when diluted with the required amount of water, forms the treating solution.

Carbon disulphide emulsion, even after dilution, is inflammable. The precautions given for handling carbon disulphide must be observed.

(c) *Ethylene oxide.* A technical, C. P., or U. S. P. grade is required.

The vapor of ethylene oxide is inflammable and explosive. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near ethylene oxide.

Ethylene oxide is not highly toxic to man. Continued exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(d) *Hydrocyanic acid.* Commercial liquid hydrocyanic acid, 96 to 98 percent

HCN, or this material absorbed on fiber discoids (which are divided into two units, each comprising a series of discoids held together in the form of a chain) in a can containing 6½ ounces of HCN, or calcium cyanide, 88 percent pure, are required. The cylinders and cans of these cyanide products should be stored in a cool, dry place.

Gaseous hydrocyanic acid is inflammable and explosive. All fire and unprotected brush-type motors must be kept from contact with the gas. Lighted cigars, cigarettes, or pipes should never be carried. In addition it is known that liquid hydrocyanic acid undergoes decomposition on long storage in a closed container. It is advisable that only sufficient of these cyanide products be procured for the season's work. The residue left after fumigation with calcium cyanide is dangerous and great care must be exercised in disposing of it.

Hydrocyanic acid is a violent poison. Inhaling hydrocyanic acid gas or absorbing it through the skin is very dangerous and must be avoided. A suitable gas mask and rubber gloves must be worn at all times when handling hydrocyanic acid, or calcium cyanide, and when opening the hatches of fumigated cars for aeration. If it is absorbed by the system, prompt action may prevent serious consequences. The established principles of first aid in HCN poisoning are: (1) Induce continued heavy breathing of fresh air by artificial respiration, using the Shaefer (prone pressure) method; (2) neutralize the gas poisoning with weak ammonia fumes or aromatic spirits of ammonia; (3) call a physician. Small bottles of ammonium carbonate, as the source of ammonia fumes, should be readily available as an inhalant at all times.

(e) *Lead arsenate*. Lead arsenate which satisfies the standard requirements of the chemical for use as an agricultural spray is required. It should contain at least 30 percent arsenic pentoxide, and not more than 0.75 percent water-soluble metallic arsenic. It should be obtained in powdered form to which no stickers have been added. Lead arsenate should be stored in a dry place that is not accessible to animals.

Lead arsenate is poisonous to man and animals. When applying the material, the worker should wear gloves to protect his hands, since the poison may be absorbed into the system

through cuts and abrasions of the skin. The worker should keep his hands away from his mouth at all times while handling the material and be sure to wash thoroughly before eating. If absorbed by the system, call a physician, give an emetic such as warm water and mustard, and give milk or white of egg.

(f) *Methyl bromide*. The commercial grade is required. Containers of methyl bromide should be stored in a cool, well-ventilated place. Avoid leakage by seeing that the valves on the cylinders are tightly closed.

Methyl bromide is a gas at ordinary temperatures. As it has only a very slight odor, toxic concentrations of methyl bromide may be encountered and the persons so exposed may be unaware of the danger. While methyl bromide is not so toxic as hydrocyanic acid, it is dangerous to inhale the gas or to get the liquid in contact with the skin. Rubber gloves should be worn while releasing the liquid methyl bromide either from cylinders or applicators.

CAUTION: Rubber gloves absorb methyl bromide which may result in skin injury if they are worn continuously.

(g) *Naphthalene*. Flake naphthalene, free from tar, is required.

Naphthalene is not explosive and it burns only with difficulty. It is advisable, however, to keep the material in the solid and gaseous form away from fire.

Long exposure to naphthalene may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

(h) *Paradichlorobenzene*. A technical or C. P. grade of small to medium size crystals is required.

Paradichlorobenzene burns only with difficulty. It is advisable, however, to keep the material from fire. Long exposure to the gas may cause giddiness and headache. When these symptoms develop, the individual should get into the open air.

TREATMENT OF SOIL IN ABSENCE OF PLANTS

(i) *Potting soil*. Potting soil must be treated by the use of heat, carbon disulphide, naphthalene, or lead arsenate.

Fumigated or heat-treated soils should be aerated to remove excessive fumigant or heat before using for potting plants.

When stored, the soil must be kept and handled in such a manner as to prevent reinfestation. When stored for a long time, without aeration, it is advisable to thoroughly mix the upper and lower layers in the bin. When used as recommended, these treatments do not impair the fertility of the soil.

Lead arsenate treatments are more limited in their application because of the susceptibility of some nursery plants to arsenical poisoning. E-418 of the Bureau of Entomology and Plant Quarantine gives some information on the susceptibility of nursery plants to lead arsenate in the soil.

(1) *Heat treatment*—(i) *Condition and type of soil*. Soil of any type may be treated, provided it is friable.

(ii) *Temperature*. The soil must be heated throughout to 130° F.

(iii) *Period of treatment*. The temperature of the soil must be maintained at 130° F. for 30 minutes.

(2) *Carbon disulphide fumigation*—(i) *Equipment*. A gas-tight bin or box is required. It is necessary to have the top, sides, and bottom tight.

(ii) *Condition and type of soil*. Soil of any type may be fumigated, provided it is friable and thrown loosely into the bin or box. Wet soil must never be fumigated.

(iii) *Temperature*. The temperature must be at least 45° F. when the fumigant is applied and must not fall below 40° F. during the course of the treatment.

(iv) *Dosage*. One pound (352 cubic centimeters) to 1 cubic yard.

(v) *Application*. One method is to apply the fumigant while the soil is being put into the bin or box. Place 18 inches of soil in the bin or box. Inject carbon disulphide at the rate of 176 cubic centimeters for each square yard of surface, distributing the material uniformly in holes 2 inches deep and 18 inches apart, using 44 cubic centimeters to each hole. Fill the holes with soil immediately after the liquid is injected. When the first 18 inches of soil have been treated, put in 18 inches more and repeat the operation. This can be repeated until the container is filled.

Another method is to apply the fumigant after the box or bin has been filled. This is done by making holes from the surface to the different levels, so that the carbon disulphide is applied in the same positions as by the first method.

The liquid, in this case, must be poured into the deep holes through a tube, or injected to insure that it reaches the proper level.

(vi) *Period of fumigation*. The box or bin must be sealed and left undisturbed for 48 hours.

(3) *Naphthalene fumigation*—(i) *Equipment*. No special equipment is necessary. It is not necessary to cover the soil.

(ii) *Condition and type of soil*. Soil of any type may be fumigated, provided it is friable. Wet soil must never be fumigated.

(iii) *Temperature*. The temperature must be at least 50° F.

(iv) *Dosage*. Five pounds to 1 cubic yard.

(v) *Application*. The fumigant must be thoroughly mixed with the soil, and the soil then placed in a pile.

(vi) *Period of fumigation*. The soil must be left undisturbed for 1 week.

(4) *Lead arsenate treatment*—(i) *Season*. The treatment must be applied before August 1.

(ii) *Condition and type of soil*. The soil must be friable. Wet soil must never be treated. The treatment is recommended only for soils that are slightly acid or neutral in reaction. Any type of soil may be treated provided it meets these requirements.

(iii) *Dosage*. Two pounds to 1 cubic yard.

(iv) *Application*. The lead arsenate must be thoroughly mixed with the soil.

(v) *Period of treatment*. Plants freed from soil and potted in soil treated in the above manner, by August 1, may be certified for shipment between the following October 1 and June 15, inclusive.

(vi) *Handling of potted plants*. When plants potted in lead-arsenate-treated soil are plunged in beds or set in frames exposed to possible infestation, the soil of those beds or frames must previously have been treated with lead arsenate at the rate of 1,000 pounds per acre.

(vii) *Treated plants carried after June 15*. When plants potted in soil treated as prescribed are carried after June 15, they may be again eligible for certification between October 1 and June 15, inclusive, of the second year if, on August 1 of the second year, analyses

show the soil to contain lead arsenate at the rate of 2 pounds per cubic yard.

(j) *Shipments of sand, soil, earth, peat, compost, and manure.* Shipments of sand, soil, earth, peat, compost, and manure must be treated by the use of heat or carbon disulphide. The instructions given in (i) (1) and (i) (2) must be followed.

(1) *Type of car.* Tight box cars must be used between June 15 and October 15, inclusive, and may be used at other times of the year. Open freight cars, of the steel gondola type, may be used between October 16 and June 14. In cars of this type, with dump bottoms, planks must be laid on the bottoms and covered with heavy paper, in a manner approved by the inspector.

(2) *Doors.* The doorways of box cars must be boarded up and covered with heavy paper up to a point beyond the height of the sand, soil, etc. Certified cars must have the doors closed and fastened while en route within the regulated area.

(3) *Depth of sand, soil, etc.* In box cars, the sand, soil, etc. must not be loaded to such a depth as would restrict the overhead working space and hamper the work of the men applying the treatment. In the open type cars, the material should not be piled above the sides of the car.

(4) *Covering with canvas, etc.* When open type cars are used, canvases or heavy paper must be used to cover the surface as the treatment is applied. These covers must be free from holes and a foot or more wider than the width of the car. Where several pieces are used, they must be large enough to allow for overlapping at least 1 foot. The covers must be fastened down at the sides of the car and weighted on the surface, particularly where they overlap.

(k) *Soil in and around coldframes, plunging beds, and heeling-in areas.* Soil in and surrounding coldframes, plunging beds, heeling-in areas, etc., must be treated with lead arsenate, except, under special conditions, when the inspector may authorize the use of heat, carbon disulphide, carbon disulphide emulsion, or naphthalene. With the exception of lead arsenate, the treatment must not be applied when adult beetles are present. An exception may be made in the case of beds protected from beetles.

Safety zone: In addition to the area desired to be certified, a strip 3 feet wide must be treated around the entire coldframe, plunging bed, or heeling-in ground. No plants will be certified from this strip. In the case of coldframes, etc., extending into the ground to a depth of 12 inches or more, no safety zone is required.

Marking: In the case of coldframes, etc., having fixed boundaries, proper designations will be made on them by the Department representatives. In all other cases, the nurseryman shall furnish suitable stakes, at least 4 inches square and 30 inches long, to be placed at the boundaries of the certified plots and marked by the Department.

(1) *Lead arsenate treatment—(i) Season.* The treatment must be applied before August 1 if the land is to be used in the fall.

(ii) *Condition of soil.* The soil must be friable and in good tilth.

(iii) *Dosage.* Twenty-three pounds to each 1,000 square feet, or 1,000 pounds per acre. For subsequent re-treatments, the quantity required to restore a concentration of 1,000 pounds per acre, as determined by chemical analyses, must be applied, except that determination by chemical analyses of a concentration of 900 pounds per acre will be acceptable without re-treatment.

(iv) *Application.* The lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil.

(v) *Period of treatment.* Plants must not be placed on or in the soil thus treated until after October 1.

(2) *Heat treatment.* Hotbeds, equipped with steam pipes or electrical resistance coils in the soil, may be treated by heating the soil to at least 130° F. and maintaining this temperature for 30 minutes.

(3) *Carbon disulphide fumigation—(i) Equipment.* A heavy paper, or other gas-proof cover, must be provided to cover the soil during the fumigation period.

(ii) *Condition of soil.* The soil must be friable and in good tilth. A wet soil must never be treated.

(iii) *Temperature.* The temperature of the soil at a depth of 6 inches must be at least 45° F. when the fumigant is applied, and must not fall below 40° during the period of treatment.

(iv) *Weather conditions.* The ideal conditions are a warm, humid atmosphere without wind.

(v) *Dosage.* Six pounds (2,100 cubic centimeters) to 100 square feet of surface.

(vi) *Application.* Carbon disulphide must be uniformly distributed over the surface of the bed, plot, or heeling-in area. Apply it in holes 12 inches apart and 1 to 2 inches deep, putting 21 cubic centimeters into each hole. Fill each hole with soil immediately after the liquid is poured. Cover each section as soon as the fumigant is applied.

(vii) *Period of treatment.* The soil must remain covered for 48 hours.

(4) *Carbon disulphide emulsion treatment—*(i) *Equipment.* Suitable tanks, barrels, or tubs for preparing the emulsion and 24-gage galvanized-iron collars 10 inches wide and not more than 4 feet square, for applying the treatment, must be provided.

(ii) *Condition of soil.* The soil must be friable. The surface must be level and not disturbed by recent cultivation. Drainage conditions must be such that the solution does not disappear from the surface in less than 10 minutes or more than 5 hours.

(iii) *Temperature.* The temperature of the soil at a depth of 6 inches must be at least 45° F. when the treatment is applied, and must not fall below 40° during the period of the treatment.

(iv) *Dosage.* Two and one-half gallons of dilute emulsion to each square foot. The concentration is dependent upon the temperature. Follow table 3 of paragraph (m) (2).

(v) *Application.* Level the surface of the soil, removing weeds and debris. Force a galvanized-iron collar 3 inches into the ground, and firm the soil against the metal. Place another collar next to the first, and so on. When enough collars are in place, pour the dilute emulsion into the basins formed within the collars. As soon as the liquid has disappeared from the surface, the collar may be lifted and set in another position.

(vi) *Period of treatment.* The soil must not be disturbed for 48 hours.

(5) *Naphthalene fumigation—*(i) *Condition of soil.* The soil must be friable and in good tilth.

(ii) *Temperature.* The temperature of the soil at a depth of 6 inches must

not be less than 50° F. during the period of the treatment.

(iii) *Dosage.* Forty-six pounds to 1,000 square feet, or 2,000 pounds per acre.

(iv) *Application.* The naphthalene must be thoroughly mixed and incorporated with the upper 3 inches of soil.

(v) *Period of treatment.* The soil must not be disturbed for 1 week.

(6) *Methyl bromide solution—*(i) *Season.* The treatment can be applied at any time when conditions are suitable between October 1 and May 15.

(ii) *Equipment.* Equipment includes a gastight drum, complete with spigot and hose, methyl bromide applicator, collars when necessary, and measuring cans. Such equipment must be inspected, tested, and approved by an inspector of the Department before use.

(iii) *Preparation of solution.* The solution must be prepared in accordance with the directions of the inspector.

(iv) *Condition and type of soil.* Soil of any type may be treated provided the surface can be pulverized sufficiently to absorb the solution. To prepare a well pulverized surface, areas to be treated must be leveled and thereafter cultivated to loosen the soil to a depth of at least 1 inch. The treatment must not be applied during rain. The surface of wet soil should be tilled, allowed to dry for at least 24 hours, and then pulverized preparatory to treatment.

(v) *Dosage and application.* The dosage shall be at the rate of 3 gallons of solution per 1 square yard. The strength of the solution shall be based on the minimum soil temperature within the top 6 inches as follows:

Minimum soil temperature in top 6 inches (°F.):	Percentage concentration by volume of methyl bromide
47 to 56, inclusive.....	0.150
57 to 67, inclusive.....	0.100
68, and over.....	0.050

The surface must be divided by strings or marks in the soil into units of approximately 1 square yard. The solution is to be applied uniformly in a crisscross pattern to the soil surface from the spout of a sprinkling can or other vessel with a similar spout, held no more than 6 inches above the soil surface.

(vi) *Safety zone.* In addition to the area desired to be certified, a strip 3 feet

wide must be treated around the entire coldframe, plunging bed, or heeling-in ground. No plants will be certified from this strip. In the case of coldframes, etc. extending into the ground to a depth of 12 inches or more, no safety zone is required.

(vii) *Marking.* In the case of coldframes, etc. having fixed boundaries, proper designations will be made on them by the inspector. In all other cases the nurserymen shall furnish suitable stakes, at least 4 inches square and 30 inches long, to be placed at the boundaries of the certified plots and marked by the inspector.

(viii) *Period of treatment.* The area must remain undisturbed for a period of 48 hours after treatment.

(ix) *Alternative treatment.* If 1-square-yard collars are used in treating frames, plunging beds, and heeling-in areas, the dosages and methods of procedure listed below for treatment of soil about the roots of plants may be used.

TREATMENT OF SOIL ABOUT THE ROOTS OF PLANTS

The effect of insecticidal treatments on plants, when applied to soil about their roots, varies with the variety, age, vigor, and condition of the plants. It should be understood that these treatments have not been tried on all varieties of plants, or under all of the varied conditions in the nurseries. In general, it is not possible to destroy an insect in close proximity to the roots without causing some damage to the plant. While guarantees can not be given that no injury will be caused to the plants, the treatments are recommended only for those plants which experience has shown were not seriously injured. It must be understood by the nurseryman that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury.

After all treatments, the plants must be handled in such a manner as to prevent reinfestation.

(1) *Treatment of plants after digging—(1) Removal of infestation.* With some deciduous and herbaceous plants, infestation can be removed by shaking and washing all soil from the roots. Only such root masses as can be thoroughly examined and absence of infesta-

tion verified may be certified by this procedure.

(2) *Hot-water treatment—(i) Equipment.* A water tank, equipped with a suitable heating device and circulating system, must be provided.

(ii) *Temperature.* The water must be maintained at 112° F., with a variation of not more than $\pm 0.5^\circ$. Before the plants are immersed, thermometers must be inserted in the center of at least three of the largest clumps, baskets, or root masses placed at each end and at the center of the tank. In addition, three thermometers must be placed in the water of the tank in the same relative positions as those in the root masses. Temperature readings from each of these thermometers must be recorded on Form No. 91.

(iii) *Application.* The root masses must be immersed completely.

(iv) *Period of treatment.* Seventy minutes after the root masses are heated to 112° F.

(v) *Varieties of plants.* The varieties which have been treated successfully by this procedure are given in Technical Bulletin 274.

(vi) *Preparation of plants.* Large clumps should be divided as much as possible without injuring the roots. Excess soil should be removed and the roots pruned. Small plants and root stocks may be packed loosely in wire baskets or in other suitable containers, *Provided*, The water can circulate through the masses. Large plants must be placed individually in the water.

(vii) *Care of plants after treatment.* Plants should be cooled slowly to room temperature. Pot or heel them in the ground as soon as possible after cooling. Tubers should be dry when packed. Avoid subjecting treated plants to freezing temperatures shortly after treatment.

(3) *Carbon disulphide emulsion dip—(i) Equipment.* Water-tight tanks or tubs must be provided.

(ii) *Temperature.* The temperature of the dip must be maintained between 65° and 70° F.

(iii) *Dosage.* Forty-five cubic centimeters of carbon disulphide emulsion to 10 gallons of water. The treating solution must be prepared immediately before using.

(iv) *Application.* The root masses must be immersed completely.

(v) *Period of treatment.* The root masses must be immersed 24 hours.

(vi) *Varieties of plants.* The varieties which have been treated successfully by this procedure are given in Technical Bulletin 478.

(vii) *Preparation of plants.* Large clumps should be divided as much as possible without injuring the roots. Excess soil should be removed. No wet root masses or root masses measuring more than 6 inches across the narrowest dimension must be treated. The temperature of the root masses must be at least 60° F. before treatment. Small plants and root stocks may be packed loosely in wire baskets or other suitable containers, provided the dipping solution can circulate through the masses. Larger root masses must be placed individually in the dip.

(viii) *Care of plants after treatment.* Tubers should be dry when packed. Avoid subjecting treated plants to freezing temperatures shortly after treatment. It is advisable to allow plants which are to be potted to stand in the open to permit evaporation of the fumigant before placing them in soil.

(4) *Paradichlorobenzene fumigation—*

(i) *Season.* The treatment must be applied between October 1 and May 1.

(ii) *Varieties of plants.* Many different kinds of plants have been successfully treated experimentally. The list of plants which have been treated without injury is subject to such continual expansion that it cannot be appropriately included in these instructions. Experience has shown that possible plant injury is associated at least to some extent with the condition and growth of the plants at time of treatment. It is suggested, therefore, that trial tests be made before large numbers of plants are treated.

(iii) *Preparation of plants.* Excess soil should be removed and the mass reduced as much as possible without injuring the roots. The plant ball should be moist, but not wet. Pots must be removed from potted plants. When burlap on balled plant is of coarse weave, it may be left on the balls, but when it is closely woven, it must be removed.

(iv) *Preparation of plunging soil.* The paradichlorobenzene must be thoroughly mixed with a light sandy loam, or sand,

which is moist but not wet, and free from lumps, stones, and debris. It must be mixed immediately before using.

(v) *Care of plants during treatment.* If it is necessary to water the plants during the treatment to prevent desiccation, the operation must be limited to a light syringing, under the supervision of an inspector. During the treating period care should be used to assure that the natural air movement will aid in reasonably rapid dispersal of the fumigant that escapes from the soil to prevent it from being held about the foliage of the treated plants.

(vi) *Care of plants after treatment.* It is advisable to avoid excessive watering of the plants after treatment in order to permit any residual gas to escape from the plant balls.

(vii) *Complete coverage—(a) Temperature.* The temperature of both the treating soil and the soil ball must not be less than 50° F. during the period of treatment. To prevent injury to the plants, it should not go above 65°.

(b) *Dosage.* Ten pounds per cubic yard of mixing soil (6 ounces per cubic foot) for soil balls up to 6 inches in diameter at the narrowest dimension. Twenty pounds per cubic yard of mixing soil (12 ounces per cubic foot) for soil balls from 6 to 8 inches in diameter at the narrowest dimension.

(c) *Application.* Spread a layer of the treated plunging soil on a smooth hard surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil and cover the plant balls to a depth of 1 inch. Then place about 1 inch of treated soil against the row of plants. This operation is repeated until all the plants are plunged.

(d) *Period of treatment.* The plants must be left undisturbed for a period of 3 days.

(viii) *Side application—(a) Temperature, dosage, period of treatment.* The various combinations of dosage and exposure which may be used at different temperatures are given in table 1. It is desirable to maintain the temperature fairly constant. The temperatures given at the head of the column in table 1 are the minimum temperatures during the period of treatment.

TABLE 1. *Temperature, dosage, and period of treatment for paradichlorobenzene*

Width or depth of plant ball	Crystals per cubic yard of plunging soil	Period of treatment required when the minimum temperature in ° F. is within the range indicated below					
		45-49	50-54	55-59	60-64	65-69	70-74
Up to 2 inches	Lb.	Days	Days	Days	Days	Days	Days
	1	(1)		10	9	7	5
	5	9	7	6	5	4	2
	10	7	6	5	4	3	2
2-4 inches	20	5	5	4	3	2	1
	1				10	6	
	5		10	10	9	8	4
	10	9	8	8	7	6	3
4-6 inches	20	7	7	6	6	5	2
	1						
	5						
	10					9	7
	20			8	7	6	4

¹ Blank spaces indicate that the exposure period is more than 10 days.

(b) *Application.* Spread a layer of the treated plunging soil on a smooth hard surface, such as a floor or bench, and then place a row of plants, with the balls spaced at least 1 inch apart, on this soil. Fill the spaces between the plant balls with treated soil, taking care not to get the treated soil in contact with the stems of the plants, and cover the upper side of the plant balls with treated soil to within 2 inches of the stems. Then, place about 1 inch of treated soil against the row of plants. The operation is repeated until all the plants are plunged.

(5) *Methyl bromide fumigation*—(i) *Equipment.* An approved fumigation chamber equipped with vaporizing, air-circulating, and ventilating systems must be provided.

(ii) *Application.* After the chamber is loaded, the methyl bromide must be vaporized within it. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the plants removed. The ventilating system should also be in continuous operation during the entire period of removal of the fumigated articles.

(iii) *Fumigation of plants, with or without soil*—(a) *Temperatures, periods*

of treatment, and dosages. The temperature of the soil (with bare root stock, the root spaces) and of the air for each type of treatment must remain throughout the entire period of treatment at the minimum specified in the following table, or higher:

Temperature at least	Period of treatment	Dosage (methyl bromide per 1,000 cubic feet)	
		Hours	Pounds
1. 73° F.-----		2½	1½
2. 67° F.-----		2½	2
3. 63° F.-----		2½	2½
4. 60° F.-----		3	2½
5. 57° F.-----		3½	2½
6. 54° F.-----		4	2½
7. 50° F.-----		4½	2½
8. 46° F.-----		4	3
9. 43° F.-----		4½	3

The dosage shall be for each 1,000 cubic feet including the space occupied by the load.

(b) *Preparation of plants.* The treatment is to be applied to plants with bare roots or in 14-inch pots or smaller, or in soil balls not larger than 14 inches in diameter nor thicker than 14 inches when not spherical. The soil should not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation. The plants should be stacked on racks or separated so that the gas can have access to both top and bottom surfaces of pots or soil balls. While not essential that the balls be completely separated from each other they should not be jammed tightly together.

(c) *Packaged plants.* Boxed or wrapped plants in packages not more than 14 inches in diameter may be fumigated at any one of the above nine temperatures, periods of treatment, and schedules. In order that the fumigant may have access to the roots and soil masses about the roots, the wrapping shall not be tightly closed.

(d) *Varieties of plants.* The list of plants, including greenhouse, perennial, and nursery-stock types treated experimentally, is subject to continual expansion and, moreover, is too great to include in these instructions.

(iv) *Fumigation of strawberry plants in shipping crates or field-packed baskets.* Temperature: The temperature of

the plants and air must be at least 60° F. during the entire fumigation period.

(a) *Dosage.* Three pounds of methyl bromide per 1,000 cubic feet, including the space occupied by the load.

(b) *Period of treatment.* Four hours.

(c) *Preparation of plants.* Strawberry plants may be fumigated either bundled and packed in damp moss in slatted shipping crates or in field-packed baskets of 1 bushel, or less. The load in the fumigation space should be arranged to allow the gas to enter from all sides of the containers.

(d) *Varieties of plants.* This treatment has been authorized for strawberry plants only.

(6) *Ethylene dichloride emulsion dip—*

(i) *Materials.*

Potassium hydroxide: C. P.
Alcohol: 190 proof ethyl alcohol.
Oleic acid: crystal white olein.
Ethylene dichloride: commercial.

(ii) *Formula.*

	Pounds
Potassium hydroxide ¹ -----	2.5
Alcohol ² -----	14.0
Water-----	6.0
Oleic acid-----	17.5
Ethylene dichloride-----	60.0
	<hr/> 100.0

¹ An amount of commercial caustic potash containing an equivalent weight of potassium hydroxide may be substituted for the C. P. grade.

² Completely denatured alcohol (190 proof) may be substituted for the ethyl alcohol (190 proof).

(iii) *Preparation of dip.* Mix the several ingredients in the order given in the formula. Dissolve the potassium hydroxide in the alcohol and water, add the oleic acid, and stir intermittently for about 10 minutes. Compensate for evaporation loss by the addition of alcohol and water in the ratio given in the formula. Add the ethylene dichloride and stir.

The emulsible ethylene dichloride shall have a specific gravity of about 1.070 at 25° C. (77° F.) and contain 60 percent by weight of ethylene dichloride. It shall be a clear solution that may be readily diluted with water to form a uniform, stable, milklike emulsion. The product should be kept in gas tight containers in a cool place at a temperature above 4.5° C. (40° F.). At lower temperatures it will separate into layers, in which case it must

be warmed to room temperature and stirred to restore it to its original and usable condition.

(iv) *Caution.* Ethylene dichloride is an inflammable volatile solvent. It, the emulsible ethylene dichloride, and the ethylene dichloride emulsion should be kept away from fire, heat, and open flame. They should be used with adequate ventilation and prolonged breathing of the vapor should be avoided.

(v) *Season.* The treatment must be applied between October 1 and June 1.

(vi) *Temperature.* The temperature of both the dip and the plant balls at the time of dipping shall not be lower than 45° F. nor higher than 75°. At no time thereafter, during the holding period, shall the temperature of the treated plant balls be lower than 40° nor higher than 80°.

(vii) *Dosage.* Use at the rate of 1 gallon of the emulsible ethylene dichloride in 100 gallons of water. (For convenience in making small quantities use 40 cubic centimeters in 1 gallon of water.) To prepare the emulsible ethylene dichloride as a dip, add small quantities of water successively, stirring continually until a uniform, creamlike emulsion is formed. Dilute this emulsion with the remainder of the water, stir a few minutes to insure a uniform suspension, and pour into a trough or tank. This dip must be prepared immediately before using.

(viii) *Preparation of plants.* Plants with root masses or balls up to 10 inches in diameter at the narrowest dimension may be treated, either bare, wrapped, or in unglazed clay pots. If wrapped, the wrapping material must be of such a nature as not to prevent the proper penetration of the emulsion into the root mass. The plant balls shall be moist but not wet.

(ix) *Application.* The size of the trough or tank (wood or metal) used for the dipping vat, and the quantity of the emulsion shall be sufficient to provide a complete coverage of all the plant balls. The plant balls or pots must be immersed for a period of 10 seconds in the dip. They may be treated either singly or in groups with the balls spaced approximately ¼ inch apart in a wire basket or perforated tray, and arranged so as to permit of rapid penetration of the emulsion into all of the balls. In

any case the plant balls or tray shall rest on the bottom of the tank. A sufficient quantity of freshly prepared, diluted emulsion shall be added to the dip so that the plant balls are completely covered during the immersion period. To reduce the hazard of plant injury, not more than the lower $\frac{1}{2}$ inch of the plant stems should be immersed during the treatment. The contents of the trough shall be discarded and the trough rinsed out 4 hours after charging and/or when the dirt and debris exceed 2 inches in depth. The trough shall be located during plant treatments in a covered and well ventilated place. On removal of balled plants from the dip they may be allowed to drain into the tank for 1 or 2 minutes and then must be placed in a compact group either on a bench with a tight bottom and side walls as high as the plant balls, or on a tight floor of a greenhouse, packing shed or other enclosed area, and surrounded by wooden side walls as high as the plant balls. If they are placed on a dirt floor it must be wet and packed hard before using. In the case of potted plants any excess emulsion should be poured from the pot immediately after removing from the dipping vat. All plants must remain undisturbed for the prescribed 48 hours during which time excessive ventilation should be avoided. A light spray of water applied to the tops of the plants during this period may be beneficial.

(x) *Period of treatment.* Ten-second immersion in the dip followed by a 48-hour holding period.

(xi) *Varieties of plants.* The list of plants which have been successfully treated in experimental work include 18 varieties of azaleas, 60 kinds of greenhouse plants, 48 kinds of perennials, and 28 kinds of trees and shrubs. The list is subject to expansion and will be furnished on request.

(m) *Treatment of plants before digging—*(1) *Carbon disulphide emulsion—*

(i) *Equipment.* Strips or squares of 24-gage galvanized iron, 10 inches wide of the proper size, and water-tight cans or tubs must be provided.

(ii) *Season.* This treatment must not be used when adult beetles are present.

(iii) *Temperature.* The treatment must not be applied when the temperature of the soil at a depth of 6 inches is below 40° F., or it is anticipated that the

temperature will fall below this during the period of treatment.

(iv) *Dosage.* The dosage of stock emulsion which must be used is dependent upon the minimum soil temperature anticipated during the period of the treatment. Schedules 1, 2, and 3 in tables 2 and 3 give the dosages required for the treatment of plant balls of various sizes.

(v) *Period of treatment.* [Revoked]

(vi) *Period of digging.* The plants must be dug within 3 days after the completion of the treatment.

(vii) *Varieties of plants.* The varieties which have been treated successfully by this method are given in Technical Bulletin 478.

(viii) *Preparation of plants.* The surface of the soil about the base of the plant must be practically level; treatment must not be applied on a slope which cannot be levelled without filling. Weeds and debris must be removed from the surface of the soil. It is advisable to tie low-hanging branches so that they will not dip into the treating solution. After the size of the ball to be lifted with the plant has been determined, a galvanized-iron collar of the proper size is placed about the base of the plant and forced to a depth of 3 inches into the soil. The soil must be firmed carefully on each side of the galvanized iron to prevent seepage.

(ix) *Application.* The quantity of treating solution to be used must be determined from tables 2 and 3. The required quantity of stock emulsion is added to water and mixed well. Then the solution is poured into the collar, avoiding splashing or unnecessary disturbance of the soil. Pouring the solution on a spade will be of considerable help. A record must be made of the time required for the treating solution to disappear from the surface. Drainage conditions must be such that the solution does not disappear from the surface in less than 10 minutes or more than 5 hours. An examination must be made after the treatment has been applied to determine the uniformity of penetration.

(x) *Handling plants after treatment.* The inspector must be sure that a ball of soil no larger than that originally planned is removed with the plant.

TABLE 2. Dosage for circular collars

Diameter of ball to be dug	Di- ameter of collar	Water	Stock carbon disul- phide emulsion		
			Sched- ule No. 1, 40-50° F.	Sched- ule No. 2, 50-60° F.	Sched- ule No. 3, 60-70° F.
	<i>Inches</i>	<i>Gallons</i>	<i>Cc.</i>	<i>Cc.</i>	<i>Cc.</i>
12 inches or less	18	4.5	31	26	20
14 inches	21	6.0	41	34	27
18 inches	27	10.0	68	57	45
20 inches	30	12.0	82	68	54
22 inches	33	15.0	102	85	68
24 inches	36	17.5	119	99	80
25-27 inches	29	21.0	143	119	95
28-30 inches	42	24.0	164	136	108
33 inches	45	27.5	187	156	125
36 inches	48	31.5	215	179	143

TABLE 3. Dosage for square collars

Diameter of ball to be dug	Length of side of col- lar	Water	Stock carbon disul- phide emulsion		
			Sched- ule No. 1, 40-50° F.	Sched- ule No. 2, 50-60° F.	Sched- ule No. 3, 60-70° F.
	<i>Inches</i>	<i>Gallons</i>	<i>Cc.</i>	<i>Cc.</i>	<i>Cc.</i>
12 inches or less	18	5.5	37	31	25
14 inches	21	7.5	51	43	34
18 inches	27	12.5	85	71	57
20 inches	30	15.5	106	88	70
22 inches	33	19.0	129	103	86
24 inches	36	22.5	153	128	102
25-27 inches	39	26.0	177	148	118
28-30 inches	42	30.5	208	173	139
33 inches	45	35.0	238	199	159
36 inches	48	40.0	272	227	182

(2) *Lead arsenate treatment*—(i) *Season*. Treatment must be applied by July 1. Plants may be certified when the period of treatment is completed, and until the following June 15.

(ii) *Condition of soil*. The soil must be friable and in good tilth. This treatment is recommended only for soils that are slightly acid or neutral in reaction.

(iii) *Dosage*. Twenty-three pounds to each 1,000 square feet, or 1,000 pounds per acre. For subsequent re-treatments, the quantity required to restore a concentration of 1,000 pounds per acre, as determined by chemical analyses, must be applied, except that determination by chemical analyses of a concentration of 900 pounds per acre will be acceptable without re-treatment.

(iv) *Period of treatment*. Plants in plots treated initially must not be dug until October 1; those on re-treated plots may be dug on September 20.

(v) *Application*. Lead arsenate must be thoroughly mixed and incorporated with the upper 3 inches of soil. The ridge of soil between the plants in the rows and the soil about the base of the plants must be removed to a depth of 2 inches and placed in the space between the rows of plants. Lead arsenate may be applied with a suitable distributor, or broadcast by hand, before or after the hoeing operation is completed. Then the soil between the rows of plants must be cultivated three times. On the last cultivation, the cultivator is adjusted in such a manner that the treated soil is thrown toward the rows of plants. At least 3 inches of treated soil must be placed in the rows about the bases of the plants.

(vi) *Varieties of plants*. The varieties of plants which have been treated successfully by this method are given in Bureau of Entomology and Plant Quarantine Circular E-418.

(vii) *Safety zone*. Same as that prescribed in paragraph (k).

(viii) *Marking*. Same as that prescribed in paragraph (k).

(3) *Methyl bromide solution, collar treatment*—(i) *Season*. The treatment can be applied at any time when conditions are suitable between October 1 and May 15.

(ii) *Equipment*. The equipment required is the same as that under "Treatment of Soil in Absence of Plants" (sub-paragraph (6) of paragraph (k)) except that collars are necessary.

(iii) *Preparation of solution*. The required solution must be prepared in accordance with the directions of the inspector.

(iv) *Dosage, solution, concentration, and soil temperatures*. The dosage is at the constant rate of 3 gallons per square yard. The percentage concentration of methyl bromide in solution, by volume, is dependent upon the minimum soil temperature within the top 6 inches, as follows:

Minimum soil temperature in top 6 inches (°F.):	Percentage concentration of methyl bromide
47 to 51, inclusive	0.100
52 to 56, inclusive	0.075
57 to 62, inclusive	0.050
63 to 67, inclusive	0.040
68 to 72, inclusive	0.025
73 and over	0.015

(v) *Condition and type of soil*. There are no limitations so long as there is no

standing water on the area to be treated and all of the solution enters the soil within 30 minutes after application.

(vi) *Preparation of collar areas.* The area must be free from weeds and debris and must be practically level. Leveling can be expedited by filling in and subsequent tamping to produce a uniformly packed subsurface for the application. The entire surface of the collar about the plant treated must be loosened to a depth of 1 inch. The collar should be set so that the solution will not break out beneath or through it.

(vii) *Safety area.* The collar must be of sufficient size so that a safety margin of soil of at least 2 inches all around remains when the treated nursery stock unit is dug for balling.

(viii) *Withdrawal and application of solution.* The solution is to be withdrawn from the preparation-drum through a hose extending to the bottom of the dosage-measuring vessel. It must be poured from the open top of the vessel onto the collar area quickly and without unnecessary splashing. Immediately thereafter the soil within the collar must be smoothed off without splashing so that the entire surface is uniformly submerged.

(ix) *Use period.* If the drum is tightly sealed between dosage withdrawals, the solution may be used at any time within 24 hours after preparation. While in storage between treatments within this period the drum must be shaded.

(x) *Treatment period.* The plants must be dug not less than 20 hours or more than 48 hours after treatment.

(xi) *Plant reactions.* The Department's records on plant reactions to the treatment are limited. Such information as is available will be supplied on request to the Division of Japanese Beetle Control. All interested nurserymen are advised to run test lots of their own stock for observation. So far as possible, the Department will cooperate in this testing on written request to the Division of Japanese Beetle Control, 266 Glenwood Avenue, Bloomfield, N. J.

(xii) *Precautions.* Directions as to precautions may be obtained from the above Division and should be observed.

TREATMENT OF FRUITS AND VEGETABLES

The effect of insecticidal treatments on fruits and vegetables varies with the

variety and the condition. While guarantees cannot be given that no injury will be caused to the fruits and vegetables, the treatments are recommended only for those commodities which experience has shown were not seriously injured. It must be understood by the shipper that no liability shall attach either to the United States Department of Agriculture or to any of its employees in event of injury to the commodities.

After all treatments, the commodities must be handled in such a manner as to prevent reinfestation by the adult Japanese beetles.

(n) *Carbon disulphide fumigation—*

(1) *Equipment.* A fumigation chamber, of approved design, equipped with a vaporizing, air-circulating, and ventilating system, must be provided.

(2) *Temperature.* The temperature must be at least 80° F. during the treatment.

(3) *Dosage.* Ten pounds to each 1,000 cubic feet in the chamber.

(4) *Period of treatment.* Two hours.

(5) *Varieties of fruit.* The varieties of fruit treated successfully by this method are given in Circular 373.

(6) *Preparation of fruit.* The crates and baskets of fruit must be stacked in the chamber in such a manner that the gas will have access to all sides of the containers.

(7) *Application.* After the chamber is loaded, the carbon disulphide must be vaporized within it. The water in the coils of the vaporizing pan must be at least 148° F. and should never exceed 180°. The water must be circulated through the coils of the vaporizing pan for 60 minutes after the fumigant has been put into the pan. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the fruit removed.

(o) *Cyanide fumigation—*(1) *Equipment.* Refrigerator cars in good condition and dry must be provided. Four screens, made of cotton netting on light wooden frames which fit tightly over the hatch openings, and equipped with three wires for fastening to the hatch cover, hinges, and graduating arm, must be provided for each car.

When liquid hydrocyanic acid is used, two metal trays having an area of 2

square feet and equipped to be suspended about 24 inches below the hatch cover, a 3-ounce measuring cup, and a tube for putting the material into the pans must be provided.

When HCN discoids are used, an approved type of can opener must be provided.

When calcium cyanide is used, two trays of light wooden construction, 6 to 8 feet long, 2 feet wide, and 2 inches deep, and sufficient building paper to properly cover these trays must be provided.

(2) *Temperature.* The temperature must be at least 75° F. in the car during the treatment.

(3) *Dosage.*

Liquid hydrocyanic acid	6 ounces per car.
HCN discoids	6.5 ounces per car.
Calcium cyanide, 88 per cent	3 pounds per car.

(4) *Period of treatment.*

Liquid hydrocyanic acid	} 2 hours.
HCN discoids	
Calcium cyanide	1.5 hours.

(5) *Varieties of fruits and vegetables.* This treatment is authorized for bananas and empty refrigerator cars.

(6) *Preparation of commodities.* The bananas must be stacked in such a manner that the gas will have access to all sides.

(7) *Application, liquid hydrocyanic acid.* The doors must be closed tightly and the ice drips properly plugged. Remove one insulating plug from each bunker and suspend a tray therein. Fill the 3-ounce measuring device with liquid hydrocyanic acid, and pour through the tube into the pan. Replace the plug and close the hatch cover tightly. Then repeat the operation in the ice bunker at the opposite end of the car.

(8) *HCN discoids.* The doors must be closed tightly and the ice drips properly plugged. Remove one insulating plug from each ice bunker. Open the can, remove one discoid unit and suspend it immediately in the bunker, holding the string at the edge of the opening and wedge it in position by closing and fastening the insulating plug. The open end of the can must be covered with the fiber cap immediately after the unit is removed to prevent loss of gas. Then, place the second discoid unit in the bunker at the opposite end of the car.

(9) *Calcium cyanide.* The doors and the hatches must be tightly closed and the ice drips properly plugged. Open one door. Cover the trays with paper and apply 1½ pounds of calcium cyanide uniformly to the paper in each tray. Then place the trays on the load near the door of the car. Finally, close the door tightly.

After the treatment is completed, open the hatches and place the screens in position and remove the plugs from the ice drips. Remove the pans and trays. Doors must be kept closed, unless an approved screen has been provided.

(p) *Ethylene oxide fumigation—(1) Equipment.* A fumigation chamber, of approved design, equipped with vaporizing, air-circulating, and ventilating systems must be provided.

(2) *Temperature.* The temperature must be at least 75° F. during the treatment.

(3) *Dosage.* Two pounds for each 1,000 cubic feet in the chamber.

(4) *Period of treatment.* Two hours.

(5) *Varieties of fruit.* The varieties of fruit treated successfully by this method are given in Circular 373.

(6) *Preparation of fruit.* The crates and baskets of fruit must be stacked in the chamber in such a manner that the gas will have access to all sides of the containers.

(7) *Application.* After the chamber is loaded, the ethylene oxide must be vaporized in the pan in the chamber. The air within the chamber must be kept in circulation during the period of fumigation. At the completion of the treatment, the chamber must be well ventilated before it is entered and the fruits removed.

(q) *Methyl bromide fumigation—(1) Refrigerator cars—(i) Equipment.* Refrigerator cars must have sound, well-fitting doors and hatches, and be in condition satisfactory to the inspector. Standard cloth screens for covering the hatches and a temporary cloth screen for covering one door during ventilation are essential. An electric blower of not less than 750 CFM capacity against ¼-inch water pressure, equipped with devices for lowering into the bunker and securing, so that the blower outlet butts against the bunker screen unimpeded either by studs or burglar bar.

(ii) *Temperature and dosage.* The temperature in the car during the treatment must be at least:

(a) 80° F. with a dosage of 1.6 pounds for each 1,000 cubic feet, or 4 pounds per refrigerator car; or

(b) 70° F. with a dosage of 2 pounds for each 1,000 cubic feet, or 5 pounds per refrigerator car.

(iii) *Period of treatment.* Two hours from the end of the fumigant release period.

(iv) *Application.* The doors must be closed tightly and the ice drips properly plugged. The methyl bromide may be either weighed or measured and released through a copper or brass applicator tube of 1/4-inch bore. This tube must be fitted with a disc-type spray nozzle and must be bent in a "U" shape at the end, so that the spray nozzle is directed upward toward the center of the bunker and not less than 1 foot below the ceiling during the release of the fumigant. The blower must be in continuous operation during the release of the fumigant, and for 5 minutes thereafter. At the end of this period the blower may be removed and transferred to the next car. The fumigant must be released in a split dosage. When a 5-pound dosage is applied, 3 pounds must be released in the bunker through the hatch across from the blower, and 2 pounds in the bunker at the opposite end of the car and in line with the blower. When a 4-pound dosage is applied, 2 pounds must be released in the blower end, and 2 pounds at the opposite end of the car as described above.

Modification of this method of application may be made upon authorization of an inspector.

(v) *Ventilation.* At the end of the exposure period, all hatches must be immediately propped open and screened, and the drip plugs removed. One door must be opened and screened for a period of 20 minutes, following which it should be closed and sealed. If the car is to be moved within half an hour, the opening of the door may be omitted.

(vi) *Commodities treated.* The treatment is approved for the following fruits and vegetables: White potatoes, sweet potatoes, onions, tomatoes, snap beans,

lima beans, sweet corn, cabbage, carrots, beets, apples, and peaches.

(2) *Fumigation house, room, and box.* The commodities listed above may be fumigated in approved fumigation chambers. The same requirements as to dosage, circulation period, exposure, temperature, and screening of doors listed under refrigerator car fumigation apply. The chamber must be ventilated with the ventilating equipment in continuous operation for one-half hour. All ventilator intakes must be protected with 8-mesh wire screen. The ventilating fan must run during both the placing and removal of the load. In addition, the requirements for screened loading facilities and the subsequent certification of loads must be met. (Issued under § 301.48) [BEPQ 499, Chief, BEPQ, June 9, 1939, as amended by Supp. 1, Nov. 4, 1939; Supp. 2, June 1, 1940, effective June 4, 1940; Supp. 3, Sept. 19, 1940; Supp. 4, 1st Rev., May 2, 1942, effective May 7, 1942; Supp. 5, May 15, 1942, effective May 18, 1942; Supp. 6, Sept. 4, 1942, effective Sept. 5, 1942; Supp. 7, Sept. 14, 1942, effective Sept. 18, 1942; Supp. 1, 6th Rev., Sept. 16, 1942, effective Sept. 18, 1942; 4 F.R. 2358, 4495; 5 F.R. 2109, 3791; 7 F.R. 3421, 3739, 7134, 7381]

§ 301.48c *Administrative instructions; places released from restrictions.* Pursuant to the authority conferred upon the Chief of Bureau of Entomology and Plant Quarantine by the fourth proviso of § 301.48, all restrictions of the rules and regulations in this subpart as they relate to the village of Silver Creek, Chautauqua County, N. Y., and the town of Woodstock, Shenandoah County, Va., are hereby removed, effective April 26, 1943, it having been determined that the application of control measures through soil treatment of infested areas now completed or in progress makes it safe to remove the restrictions as they relate to the above-named village and town. [BEPQ 527, Chief, BEPQ, Apr. 21, 1943, effective Apr. 26, 1943; 8 F.R. 5516]

RULES AND REGULATIONS

SOURCE: §§ 301.48-1 to 301.48-14, inclusive, contained in Supplemental rules and regulations to Notice of Quarantine 48, Secretary of Agriculture, March 20, 1942, effective March 24, 1942; 7 F.R. 2202. Exceptions are noted in brackets following sections affected.

MEANING OF TERMS

§ 301.48-1 *Definitions.* For the pur-

pose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle*. The insect known as the Japanese beetle (*Popillia japonica* Newm.), in any stage of development.

(b) *Infested, infestation*. The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area*. Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area*. Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables*. For the list of restricted fruits and vegetables see § 301.48-5.

(f) *Nursery and ornamental stock*. Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure*. Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure*. Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse*. A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48-6. This term may apply also to potting beds, heeling-in areas, hot-beds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector*. An inspector of the United States Department of Agriculture.

(k) *Moved interstate*. Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or

District of the United States into or through any other State or Territory or District.

(l) *Certificate*. A valid form evidencing compliance with the requirements of the regulations in this subpart as to movement of restricted articles to points outside the regulated areas.

(m) *Permit*. A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.

REGULATED AREAS

§ 301.48-2 *Limitation of restrictions to regulated areas*. Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in the regulations in this subpart on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.48-3 *Regulated areas*. In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the States, Districts, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston in *Androscoggin County*; towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarborough, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County*; the city of Waterville, in *Kennebec County*; and the city of Brewer, in *Penobscot County*.

Maryland. The entire State except the counties of Garrett and St. Marys; the election districts of Orleans (No. 1), Oldtown (No. 2), Flintstone (No. 3), North Branch (No. 16), Gross (No. 21), and Kifer (No. 33), in *Allegany County*; the election districts of Hill Top (No. 2), Cross Roads (No. 3), Allens Fresh (No. 4), Harris Lot (No. 5), Bryantown (No. 8), Patuxent (No. 9), and Marbury (No. 10), in *Charles County*; and the election district of Hancock (No. 5), in *Washington County*.

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham,

Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tiltonboro, Wakefield, and Wolfeboro, in *Carroll County*; towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County*.

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County*; city of Auburn and the towns of Fleming, Owasco, and Sennett, in *Cayuga County*; village of Silver Creek, in *Chautauqua County*; towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lackawanna, in *Erie County*; towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County*; town of Watertown and city of Watertown in *Jefferson County*; town of Mount Morris and village of Mount Morris, in *Livingston County*; city of Rochester, towns of Brighton and Pittsford, and village of East Rochester, in *Monroe County*; town of Manchester, in *Ontario County*; cities of Fulton and Oswego, in *Oswego County*; towns of Catharine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County*; towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County*; towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County*; towns of Luzerne and Queensbury and the city of Glens Falls in *Warren County*.

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne; the city of Coshocton, in *Coshocton County*; the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County*; townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County*; the township of Newark and the city of Newark, in *Licking County*; the city of Toledo, in *Lucas County*; the township of Madison and the city of Mansfield, in *Richland County*; townships of Bazetta, Braceville, Brookfield, Champlon, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and

Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County*.

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochran, Conneaut Lake, Conneautville, Linesville, Saegertown, Springboro, Townville, Venango, and Woodcock, in *Crawford County*; the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, and Wattsburg, in *Erie County*; the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County*.

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County*.

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester, and Matoaca, in *Chesterfield County*; town of Emporia, in *Greensville County*; town of West Point, in *King William County*; magisterial district of Sleepy Hole, in *Nansemond County*; village of Schoolfield, in *Pittsylvania County*; town of Pulaski, in *Pulaski County*; magisterial districts of Hampton, Jackson, and Wakefield, in *Rappahannock County*; town of Woodstock, in *Shenandoah County*; magisterial district of Courtland, in *Spotsylvania County*; town of Front Royal, in *Warren County*; magisterial district of Newport, in *Warwick County*; magisterial district of Washington, in *Westmoreland County*; and the cities of Alexandria, Charlottesville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Radford, Richmond, Roanoke, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Barbour, Brooke, Hancock, Harrison, Jefferson, Lewis, Marion, Monongalia, Ohio, Taylor, and Upshur; magisterial districts of Arden, Falling Waters, Hedgesville, and Opequon and the city of Martinsburg, in *Berkeley County*; districts of Charleston, Elk, Loudon, and Malden, the

city of Charleston, and the town of South Charleston, in *Kanawha County*; magisterial districts of Sand Hill, Union, Washington, and Webster, in *Marshall County*; town of Keyser and magisterial district of Frankfort, in *Mineral County*; the town of Rowlesburg, in *Preston County*; city of Hinton, in *Summers County*; magisterial district of Lincoln, in *Tyler County*; town of Paden City, in *Tyler* and *Wetzel Counties*; the city of Parkersburg and magisterial districts of Lubeck and Tygart, in *Wood County*.

[R. and regs., Sec. Agric., Mar. 20, 1942, effective Mar. 24, 1942, Amdt. 1, Jan. 12, 1943, effective Jan. 14, 1943; 8 F. R. 557]

§ 301.48-4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48-3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.

MOVEMENT OF RESTRICTED ARTICLES

§ 301.48-5 *Restrictions on the movement of fruits and vegetables*—(a) *Control of movement.* (1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this subparagraph, no fruits or vegetables of any kind shall be moved interstate via refrigerator car or motortruck from any of the areas listed below to or through any point outside the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Baltimore, Caroline, Cecil, Dorchester, Harford, Kent, Queen Annes, Somerset, Talbot, Wicomico, and Worcester; election districts Nos. 3, 4, and 5, in *Anne Arundel County*; the city of Baltimore; election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in *Howard County*.

New Jersey. Counties of Atlantic, Bergen, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Boonton, Chatham, Chester, Denville, East Hanover, Hanover, Harding, Mendham, Montville, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, the town of Boonton and the boroughs of Chatham, Florham Park, Lincoln Park, Madison, Mend-

ham, Morris Plains, and Mountain Lakes, in *Morris County*; townships of Little Falls and Wayne, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County*; townships of Allamuchy, Franklin, Greenwich, Hackettstown, Independence, Lopatcong, Mansfield, Phillipsburg, Pohatcong, and Washington, and the boroughs of Alpha and Washington, in *Warren County*.

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; all of *Berks County* except the townships of Albany, Bethel, Centre, Greenwich, Jefferson, Marion, North Heidelberg, Penn, Perry, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken, and Windsor, and the boroughs of Bernville, Centreport, Hamburg, Lenhartsville, Shoemakersville, Strausstown, and West Leesport; townships of Lower Allen, Monroe, and Upper Allen, and boroughs of Lemoyne, Mechanicsburg, and New Cumberland, in *Cumberland County*; townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County*; all of *Lehigh County* except the townships of Heidelberg, Lowhill, Lynn, Washington, and Weisenberg, and borough of Slatington; all of *Northampton County* except the townships of Bushkill, Lehigh, Moore, Plainfield, Upper Mount Bethel, and Washington, and boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Stockertown, Walnutport, and Wind Gap; and all of *York County* except the townships of Carroll, Codorus, Dover, Franklin, Heidelberg, Jackson, Manheim, Monaghan, Paradise, Penn, Warrington, Washington, and West Manheim, and boroughs of Dillsburg, Dover, Franklintown, Hanover, Jefferson, Spring Grove, and Wells-ville.

Virginia. Counties of Accomac, Arlington, and Northampton; magisterial district of Tanners Creek, in *Norfolk County*, and magisterial district of Kempsville, in *Princess Anne County*.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the points of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and veg-

etables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia. The counties of Accomac and Northampton; magisterial district of Tanners Creek, in *Norfolk County*, and magisterial district of Kempsville, in *Princess Anne County*.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Charlottesville and Winchester, Va. No restrictions are placed on the movement of fruits and vegetables from the above-named isolated points.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this subparagraph.

(b) *Conditions of certification.* Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County, Northampton County, magisterial district of Tanners Creek, in Norfolk County, or magisterial district of Kempsville, in Princess Anne County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further condi-

tioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48-13.)

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector,

and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector. [R. and regs., Sec. Agric., Mar. 20, 1942, Amdt. 1, Jan. 12, 1943, effective Jan. 14, 1943; 8 F.R. 5571]

§ 301.48-6 *Restrictions on the movement of nursery and ornamental stock—*

(a) *Control of movement.* Nursery and ornamental stock as defined in § 301.48-1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are, therefore, exempt from the requirements of certification.

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in *Osmunda* fiber; *Osmunda* fiber, *Osmundine*, or orchid peat (*Osmunda cinnamomea* and *O. claytoniana*).

(iii) (a) Floral designs or "set pieces," including wreaths, sprays, casket covers and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (b) trailing arbutus, or May-flower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (a) Herbarium specimens, when dried, pressed, and treated; (b) mushroom spawn, in brick, flake, or pure culture form.

(v) (a) Sheet moss (*Calliergon schriberi* and *Thuridium recognitum*); (b) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (c) sphagnum moss, bog moss, or peat moss (*Sphagnaceae*); (d) dyed moss.

(vi) Soil-free dried roots incapable of propagation.

(vii) Soil-free rooted cuttings.

(2) No restrictions are placed on the

interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a certificate is required during the period June 15 to October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.), for the movement of cut flowers from the area designated in § 301.48-5 interstate to points outside the regulated areas (§ 301.48-3).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.* (1) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, pro-

vided there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (a) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (b) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (c) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes

on premises in class III shall be kept screened in manner satisfactory to the inspector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (a) shall be potted in certified soil; (b) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (c) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (d) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown on a class I establishment or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology

and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status, shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under the regulations in this subpart as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector before such articles are received on class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not

reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector after reinspection and determination of freedom from infestation.

§ 301.48-6a *List of true bulbs, corms, and tubers exempted from Japanese beetle certification.* Under § 301.48-6, true bulbs, corms, and tubers are exempt from Japanese beetle certification when dormant, except for storage growth, and when free from soil. The exemption includes single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

The following list of bulbs, corms, and tubers, issued effective July 20, 1942, is for the information of inspectors of the Bureau and for the use of shippers within the regulated areas. The key letter (B) before the name stands for true bulb, (C) for corm, and (T) for tuber. Plant roots of a bulbous nature not given on this list are, in most cases, fleshy rhizomes, and are therefore not exempt from certification.

- (C) Acidanthera.
- (T) Alstroemeria.
- (B) Amaryllis.
- (C) Amorphophallus (Devilstongue).
- (B) Anemone nemorosa, A. ranunculoides, A. deltoidea.
- (C) Antholyza (Madflower).
- (C) Bablana (Baboonroot).
- (T) Begonia (tuberous rooted).
- (T) Boussingaultia (Madelra vine).
- (C) Brodiaea.
- (B) Bulbocodium (Meadowsaffron).
- (C) Calochortus (Mariposa-lily or Globe-tulip)
- (B) Camassia.
- (B) Chionodoxa (Glory-of-the-snow).
- (B) Colchicum (Autumn-crocus).
- (T) Colocasia (Caladium esculentum and fancy-leaved varieties).

- (B) *Cooperia* (Evening-star and rain-lily).
- (B) *Corydalis bulbosa*, *C. tuberosa*.
- (B) *Crinum*.
- (C) *Crocus*.
- (C) *Cyclamen*.
- (T) *Dahlia* (see statement in introductory paragraph).
- (C) *Dierama* (Elfinwands).
- (T) *Dioscorea batatas* (Cinnamon-vine).
- (T) *Eranthis* (Winter-aconite).
- (B) *Erythronium* (fawnlily, troutlily or Dogtooth violet).
- (B) *Eucharis* (Amazonlily).
- (C) *Freesia*.
- (B) *Fritillaria* (Fritillary).
- (B) *Galanthus* (Snowdrop).
- (B) *Galtonia* (*Hyacinthus candicans*) (Summer-hyacinth).
- (C) *Gladiolus*.
- (T) *Gloriosa rothschildiana*.
- (T) *Gloxinia* (see *Sinningia*).
- (B) *Hippeastrum*.
- (B) *Hyacinthus* (*Hyacinth*, Dutch, and Roman).
- (B) *Hymenocallis*.
- (B) *Iris*, bulbous (Dutch, Spanish, and English).
- (B) *Ismene* (Peruvian-daffodil).
- (B) *Ixia*.
- (B) *Ixiolirion*.
- (B) *Lachenalia* (Cape-cowslip).
- (B) *Lapeyrousia* (*Lapeyrousia*, *Anomatheca*).
- (B) *Leucojum* (Snowflake).
- (B) *Lilium* (Lily bulbs, imported and domestic).
- (B) *Lycoris*.
- (B) *Milla* (Mexican-star).
- (B) *Muscari* (Grape-hyacinth).
- (B) *Narcissus* (Daffodil, Jonquil).
- (B) *Nerine*.
- (B) *Ornithogalum* (Star-of-Bethlehem).
- (B) *Oxalis*.
- (B) *Pancratium*.
- (B) *Pollanthes* (Tuberose).
- (B) *Puschkinia*.
- (T) *Ranunculus* (Buttercup).
- (B) *Scilla* (Squill, Starhyacinth).
- (T) *Sinningia speciosa* (*Gloxinia*).
- (C) *Sparaxis* (Wandflower).
- (B) *Sprekelia* (*Aztec-lily*, *Jacobean lily*, *St. Jameslily*).
- (B) *Sternbergia*.
- (B) *Tigridia* (Tigerflower or Shellflower).
- (C) *Tritonia* (Montbretia).
- (B) *Tulipa* (Tulip).
- (B) *Valiota* (Scarboro-lily).
- (B) *Watsonia* (buglelily).
- (T) *Zantedeschia* (*Richardia*) (callalily).
- (B) *Zephyranthes* (zephyrlily).

(Issued under § 301.48-6) [BEPQ 394, 2d Rev., Chief, BEPQ, July 13, 1942; 7 F.R. 5455]

§ 301.48-7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure—(a) Control of movement.* Sand, soil, earth, peat, compost, and ma-

nure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) fresh manure; (ii) sand and clay when free from vegetable matter; (iii) greensand marl; and (iv) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein.

(2) No restrictions are placed on the interstate movement of manure, peat, compost, or humus (i) when dehydrated, shredded, ground, pulverized, or compressed, or (ii) when treated with crude petroleum or any other product having high potency as an insecticide.

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between

October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulfide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with subparagraphs (1), (2), or (3) of this paragraph.

§ 301.48-8 *Conditions governing the protection of restricted articles from infestation while in transit.* Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15 and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.

CERTIFICATION

§ 301.48-9 *Marking and certification a condition of interstate transportation.*

(a) Every box, basket, or other container of restricted articles listed in §§ 301.48-5, 301.48-6, and 301.48-7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's mani-

fest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.

§ 301.48-10 *General conditions governing inspection and issuance of certificates and permits.* (a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48-5, 301.48-6, and 301.48-7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except for the movement of fruits and vegetables as specified in paragraph (a) (1) (ii) of § 301.48-5.

§ 301.48-11 *Cancellation of certificates.* Certificates issued under the regulations in this subpart may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of the regulations in this subpart or viola-

tion of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.

INSPECTION, CLEANING; SPECIAL SHIPMENTS

§ 301.48–12 *Inspection in transit.* Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.

§ 301.48–13 *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.* Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by the regulations in this subpart within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48–5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.

§ 301.48–14 *Shipments for experimental and scientific purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides

that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds * * * or any other article * * * specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.

Delaware: Room 210, New Post Office Building, Dover, Del.

Maryland:

2 Sherwood Avenue, Pikesville, Md.

Washington County Annex Building, Hagerstown, Md.

Room 205, New Post Office Building, Main Street, Salisbury, Md.

Massachusetts: 144 Woody Street, Waltham, Mass.

New Jersey:

Kotler Building, Main and High Streets, Glassboro, N. J.

P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.

New York:

Room 838, 641 Washington Street, New York, N. Y.

Room 200, 2507 James Street, Syracuse, N. Y.

Ohio: 21065 Euclid Avenue, Euclid, Ohio.

Pennsylvania:

Room 303, Post Office Building, Harrisburg, Pa.

6905 Torresdale Avenue, Philadelphia, Pa.

Room 438-K, New Post Office Building, Pittsburgh, Pa.

Virginia:

Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va.

17 North Boulevard, Richmond, Va.

West Virginia: 245 West Philadelphia Avenue, Bridgeport, W. Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington, D. C.

GENERAL OFFICES OF STATES COOPERATING

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.

Board of Agriculture, Dover, Del.

State horticulturist, Augusta, Maine.

Department of Entomology, University of Maryland, College Park, Md.

Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.

Deputy commissioner, Department of Agriculture, Durham, N. H.

Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.

Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.

Division of Plant Industry, Department of Agriculture, Columbus, Ohio.

Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.

Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.

Entomologist, Department of Agriculture, Montpelier, Vt.

Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.

State entomologist, Department of Agriculture, Charleston, W. Va.

Subpart—Movement of Sugarcane, Corn, Cotton, Alfalfa and Fruits of Avocado and Papaya from the United States to Hawaii

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 301.51 to 301.51-7.

Subpart—Pink Bollworm

QUARANTINE

§ 301.52 *Notice of quarantine.* Under the authority of section 8 of the Plant Quarantine Act of August 20, 1912 as amended (39 Stat. 1165; 7 U.S.C. 161), the Secretary of Agriculture does quarantine the said States of Arizona, New Mexico, and Texas, and does order that (a) cotton, wild cotton, including all parts of either cotton or wild cotton plants, seed cotton, cotton lint, linters, and all other forms of unmanufactured

cotton fiber, gin waste, cottonseed, cottonseed hulls, cottonseed cake, and meal; (b) bagging and other containers and wrappers of cotton and cotton products; (c) railway cars, boats, and other vehicles which have been used in conveying cotton or cotton products or which are fouled with such products; (d) farm products, farm household goods, farm equipment, and, if contaminated with cotton, any other articles, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the States of Arizona, New Mexico, or Texas into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, now or which may be hereafter designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest. Any such limitation shall be conditioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles under the conditions which apply to their interstate movement under existing provisions of the Federal quarantine regulations, and upon their enforcing such control and sanitation measures with respect to such areas or portions thereof as in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of the said insect infestation: *Provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation shall be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every rea-

sonable effort shall be made to give publicity to such administrative instructions throughout the affected areas. [Notice of Quarantine 52, Mar. 7, 1939; 4 F.R. 1161]

RULES AND REGULATIONS

SOURCE: §§ 301.52-1 to 301.52-12, inclusive, contained in revised regulations supplemental to Notice of Quarantine 52, Secretary of Agriculture, Mar. 7, 1939, effective Mar. 15, 1939; 4 F.R. 1162. Exceptions are noted in brackets following sections affected.

§ 301.52-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed respectively to mean:

(a) *Pink bollworm.* The insect known as the pink bollworm of cotton (*Pectinophora gossypiella* Saunders), in any stage of development.

(b) *Cotton and cotton products.* Cotton and wild cotton plants of the genera *Gossypium* and *Thurberia*, and products of these plants, including seed cotton; cottonseed; cotton lint and linters, and all forms of unmanufactured cotton fiber; cottonseed hulls, cake and meal; gin waste; and all other parts of such plants.

(c) *Seed cotton.* All forms of cotton lint from which the seed has not been separated.

(d) *Lint.* All forms of unmanufactured cotton fiber except linters.

(e) *Linters.* All forms of unmanufactured cotton fiber separated from cottonseed after the lint has been removed.

(f) *Certificate.* An approved document issued by an inspector evidencing the apparent freedom of restricted articles from the pest.

(g) *Limited permit.* An approved document issued by an inspector to allow movement of noncertified, restricted articles to or from authorized and designated gins, oil mills, and processing or manufacturing plants. Limited permits will cover all interstate movements of restricted articles while in the process of being made eligible for certification.

(h) *Dealer-carrier permit.* An approved document issued to persons or firms engaged in ginning, manufacturing or processing restricted articles for subsequent interstate movement from regulated areas, and to persons or firms moving restricted articles interstate from regulated areas.

(i) *Infestation or infested area.* Infested by the pink bollworm.

(j) *Moved or movement.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved by any person from any regulated area interstate to points outside thereof.

(k) *Inspector.* An authorized inspector of the United States Department of Agriculture.

§ 301.52-2 *Regulated areas.* The following areas are hereby designated as regulated areas within the meaning of the regulations in this subpart and are further classed as heavily or lightly infested:

Heavily infested areas—Texas. Counties of Brewster, Culberson, Jeff Davis, Presidio, and Terrell, and all of *Hudspeth County*, except that part of the northwest corner of said county lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½.

Lightly infested areas—Arizona. Counties of Cochise, Graham, Greenlee, Maricopa, Pinal, and Santa Cruz, and all of Pima County¹ except that part lying west of the western boundary line of range 8 east.

New Mexico. Counties of Chaves, Dona Ana, Eddy, Grant, Hidalgo, Lea, Luna, Otero, Roosevelt, Sierra, Socorro, and Valencia.

Texas. Counties of Andrews, Brooks, Cameron, Cochran, Concho, Crane, Dawson, Dimmit, Duval, Ector, El Paso, Frio, Gaines, Glasscock, Hidalgo, Hockley, Howard, Irion, Jim Hogg, Jim Wells, Kenedy, Kleberg, La Salle, Loving, Martin, Maverick, Midland, Mitchell, Nueces, Pecos, Reeves, Starr, Sterling, Terry, Tom Green, Upton, Ward, Webb, Willacy, Winkler, Yoakum, Zapata, and Zavala; that part of *Bailey County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of league 207; thence west following the northern boundary line of leagues 207, 203, 191, 188, 175, and 171 to the northeast corner of league 171; thence south on the western line of league 171 to the northeast corner of the W. H. L. survey; thence west along the northern boundary of the W. H. L. survey and the northern boundary of sections 68, 67, 66, 65, 64, 63, 62, 61, and 60 of block A of the M. B. & B. survey to the

¹ Part of the lightly infested area in Arizona is regulated on account of the *Thurberia* weevil under § 301.61, and shipments therefrom must comply with the requirements of that section.

western boundary of said county; that part of *Coke County* lying southwest of and including the right-of-way of Highway No. 87; that part of the northwest corner of *Hudspeth County* lying north and west of a ridge of desert land extending from the banks of the Rio Grande northeasterly through the desert immediately west of the town of McNary, such ridge being an extension of the northwest boundary line of section 11, block 65½; that part of *Lamb County* lying south of the following-described boundary line: Beginning on the east line of said county where the county line intersects the northern boundary line of section 9 of the R. M. Thomson survey; thence west following the northern boundary line of sections 9 and 10 of the R. M. Thomson survey and the northern boundary line of sections 6, 5, 4, 3, 2, and 1 of the T. A. Thompson survey and the northern boundary line of leagues 637, 636, and 635 to the southeast corner of league 239; thence north on the eastern boundary line of league 239 to the northeast corner of said league; thence west on the northern boundary line of leagues 239, 238, 233, 222, 218, and 207 to the western boundary line of said county; and those parts of *Live Oak and McMullen Counties* lying west of U. S. Highway No. 281 and south of a line beginning at a point on said highway that is crossed by Long Hollow (which point is approximately 9 miles north of the Live Oak-Jim Wells County line) and extending due west to a point where it intersects the western boundary of McMullen County.

[Rev. regs., Sec. Agric., Mar. 7, 1939, Amdt. 4, Feb. 4, 1943, effective Feb. 10, 1943; 8 F.R. 1671]

§ 301.52-3 *Articles the interstate movement of which is restricted or prohibited*—(a) *Articles prohibited movement.* The interstate movement from any regulated area of gin trash and cotton waste from gins and mills, and all untreated or unmanufactured cotton products other than seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, and cottonseed meal and cake is prohibited.

(b) *Articles authorized interstate movement.* Seed cotton, cotton lint and linters, either baled or unbaled, cottonseed, cottonseed hulls, cottonseed meal and cake, and okra may be moved interstate from regulated areas as prescribed herein. [Rev. regs., Sec. Agric., Mar. 7, 1939, Amdt. 4, Feb. 4, 1943, effective Feb. 10, 1943; 8 F.R. 1671]

§ 301.52-4 *Conditions governing the issuance of certificates*—(a) *Cotton lint and linters.* A certificate may be issued for the interstate movement of cotton lint or linters, either baled or unbaled, originating in a regulated area when they have been ginned in an approved

gin and have been passed in bat form between heavy steel rollers set not more than ¼ inch apart, or have been given approved vacuum fumigation under the supervision of an inspector: *Provided*, That lint produced in a lightly infested area may be given standard or high density compression in lieu of either rolling or fumigation: *Provided further*, That certificates may be issued for the interstate movement of linters produced from sterilized seed originating in a lightly infested area when produced in an authorized oil mill.

(b) *Cottonseed.* A certificate may be issued for the interstate movement of cottonseed produced in a regulated area when it has been ginned in an approved gin and has been sterilized under the supervision of an inspector by heat treatment at a required temperature of 150° F. for a period of 30 seconds: *Provided*, That certificates may be issued for interstate movement of sterilized cottonseed originating in heavily infested areas only to contiguous regulated areas for processing in authorized oil mills.

(c) *Cottonseed hulls, cake, and meal.* Certificates may be issued for the interstate movement of cottonseed hulls, cake, and meal produced from sterilized seed originating in a regulated area when these products have been processed in an authorized oil mill under the supervision of an inspector.

(d) *Seed cotton.* The interstate movement of seed cotton will be allowed only from lightly infested areas into contiguous regulated areas for the purpose of ginning for which movement no permit is required.

(e) *Okra.* Certificates may be issued for the interstate movement of okra under any one of the following conditions: (1) When inspected by an inspector and found to be free from infestation; (2) when produced under such conditions as to render it free from infestation; (3) when processed or treated in accordance with methods which may be determined and approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Movement to contiguous infested area.* No certificates are required for the interstate movement of restricted articles from a lightly infested area to a contiguous, lightly or heavily infested area, or from a heavily infested area to a contiguous heavily infested area. [Rev. regs., Sec. Agric., Mar. 7, 1939, Amdt. 4,

Feb. 4, 1943, effective Feb. 10, 1943; 8 F.R. 16711]

§ 301.52-4b *Administrative instructions; restrictions modified in certain areas in New Mexico and Texas.* Effective October 1, 1942, (a) all restrictions and certification requirements are hereby waived on the interstate movement from any regulated area of cotton linters produced from sterilized seed; and (b) all restrictions are hereby waived on the interstate movement of baled cotton lint and products thereof from the following area:

New Mexico: Lea and Roosevelt Counties.

Texas: Counties of Andrews, Cochran, Concho, Dawson, Ector, Gaines, Glasscock, Hockley, Howard, Irion, Martin, Midland, Mitchell, Sterling, Terry, Tom Green, Yoakum, and the regulated parts of Bailey, Coke, and Lamb Counties:

Provided, (1) That the products have been produced in an authorized oil mill or gin and subsequently protected from contamination, and (2) that a certificate of the United States Department of Agriculture has been obtained and attached to the containers or shipping papers in accordance with the requirements prescribed in § 301.52-11. [BEPQ 493, 2d Rev., Chief, BEPQ, Sept. 28, 1942; 7 F.R. 7792]

§ 301.52-4c *Administrative instructions; lifting certain requirements as to samples of lint cotton.* Samples of lint cotton originating in a lightly infested area may be moved interstate without restriction other than (a) that the bales of lint cotton from which the samples are taken have been produced in an authorized gin and subsequently protected from contamination, and (b) that a certificate issued by the United States Department of Agriculture has been obtained and attached in accordance with the requirements of § 301.52-11.

The removal of treatment requirements for samples of lint cotton originating in the lightly infested areas is considered safe owing to the marked improvement in ginning methods and machinery, making it improbable that a sample (approximately 1½ pounds) of cotton lint, drawn from a bale for grading and stapling would contain even one seed in which the pink bollworm might be harboring.

This modification shall remain in effect until further notice. [BEPQ 494, Chief, BEPQ, Mar. 30, 1939; 4 F.R. 1438]

§ 301.52-5 *Limited permits.* Limited permits will be issued for the movement of noncertified, restricted articles to such gins, oil mills, or processing or manufacturing plants as may be authorized and designated by authority of the Chief of the Bureau of Entomology and Plant Quarantine for manufacturing, processing, or treatment incidental to preparing such products for certification. As a condition of such authorization and designation, operators of gins, oil mills, manufacturing or processing plants will agree in writing to handle restricted articles as to segregation of processed and nonprocessed products, as to efficient function of processing equipment, as to disposition of waste, as to use of uncontaminated containers of processed products, as to prevention of contamination of processed products, as to the maintenance of identity of regulated and non-regulated products, and to maintain such other sanitary safeguards against the establishment and spread of infestation and to comply with such other restrictions as to the handling and subsequent movement of restricted articles as may be required by the inspector.

§ 301.52-6 *Restricted articles originating outside the regulated area.* Restricted articles originating outside the regulated area may be certified for interstate movement from a regulated area without processing, treatment, or sterilization: *Provided*, That while in the regulated area these products have been handled and stored in such manner as to maintain identity, and as to prevent infestation, or contamination with other restricted articles originating in the regulated area.

§ 301.52-7 *Cleaning or treating requirements of other articles when contaminated with cotton or cotton products originating within a regulated area.* When contaminated with cotton or cotton products originating within a regulated area, railway cars, trucks, or other vehicles, cotton bagging, or other containers of cotton, cotton processing machinery, farm household goods, farm equipment, farm products, or any other articles shall not be moved interstate from a regulated area until freed from such contamination to the satisfaction of an inspector, after which cleaning or treatment no certificate or permit will be required except for cotton bagging, or other containers of cotton and cotton processing machinery.

§ 301.52-8 *Dealer-carrier permits.* As a condition of issuance of certificates or limited permits for the interstate movement of restricted articles handled by persons or firms engaged in purchasing, assembling, ginning, processing, or carrying such restricted articles originating or stored in regulated areas, such persons or firms shall make application for a dealer-carrier permit to the Bureau of Entomology and Plant Quarantine, San Antonio, Tex., and agree to maintain an accurate record of receipts and sales, shipments or services, when so required (which record shall be available at all times for examination by an inspector), and agree to carry out any and all conditions, treatments, precautions, and sanitary measures which may be required.

§ 301.52-9 *Cancellation of certificates.* Any certificates, limited permits, or dealer-carrier permits issued under these regulations may be withdrawn or canceled and further certificates or permits refused, whenever, in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of the pink bollworm.

§ 301.52-10 *Alternate treatments to be prescribed by the Chief of the Bureau.* When more effective methods of treatment, processing or sterilization shall have been developed or when methods of treatment, processing or sterilization as stipulated in the regulations hereof are found unsatisfactory by the Chief of the Bureau of Entomology and Plant Quarantine, he is authorized to alter them or substitute other requirements.

§ 301.52-11 *General certification provisions and marking and labeling requirements.* To obtain certificates or limited permits under the regulations in this subpart, application shall be made either to the local inspector or to the Bureau of Entomology and Plant Quarantine, Federal Building, San Antonio, Tex.

Certificates or permits required under the regulations in this subpart, shall be securely attached to the outside of each container of restricted articles, or, in the case of car-lot or bulk shipments by freight, to the waybills or other shipping papers which accompany the shipment. In the case of movement by road vehicle, such certificate or permit shall accompany the vehicle. Each container of re-

stricted articles so moved shall bear such marking and labeling as may be necessary, in the judgment of the inspector, to identify the material.

The United States Department of Agriculture shall not be responsible for any costs incident to inspection or treatment, other than the services of inspectors.

§ 301.52-12 *Shipments for experimental and scientific purposes.* Products and articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Subpart—Puerto Rican Fruits and Vegetables

SOURCE: §§ 301.58 to 301.58-14, inclusive, contained in Notice of Quarantine 58 and supplemental rules and regulations, Secretary of Agriculture, Jan. 22, 1941; 6 F.R. 582. Exceptions are noted in brackets following sections affected.

QUARANTINE

§ 301.58 *Notice of quarantine.* Under the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161), Puerto Rico is quarantined effective on and after January 22, 1941, in order to prevent the spread therefrom of certain injurious insects, including the fruitflies *Anastrepha suspensa* (Loew), and *A. mombinpraeoptans* Sein, and probably still other fruit-fly species, and the bean pod borer *Maruca testulalis* (Geyer), not heretofore widely prevalent or distributed within and throughout the United States. As provided in the said Plant Quarantine Act, fruits and vegetables shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, transported, moved, or allowed to be moved from Puerto Rico into or through any other State or Territory or District of the United States, in manner or method or under conditions other than

those prescribed in the rules and regulations supplemental hereto and in amendments thereof: *Provided*, That whenever the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such findings in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective.

This section leaves in full effect § 301.30, which prohibits the movement from Hawaii and Puerto Rico into or through any other State, Territory, or District of the United States of all varieties of sweetpotatoes (*Ipomoea batatas*).

RULES AND REGULATIONS

§ 301.58-1 *Definitions*—(a) *Fresh fruits and vegetables*. The edible, more or less succulent, portions of food plants in the raw or unprocessed state, such as bananas, oranges, grapefruit, pineapples, tomatoes, peppers, lettuce, etc.

(b) *Plant litter*. Leaves, twigs, or other portions of plants, or plant remains or rubbish as distinguished from clean fruits and vegetables, or other commercial articles.

(c) *Inspector*. An inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

§ 301.58-2 *Fruits and vegetables the movement of which is prohibited*. Movement from Puerto Rico into or through any other State, Territory, or District of the United States of fruits of mango (*Mangifera* spp.), jobo (*Spondias* spp.), guava (*Psidium guajava*), and pomarrosa or rose apple (*Eugenia jambos*), and all other fruits and vegetables for which movement is not authorized in § 301.58-3, is prohibited: *Provided*, That any fruit or vegetable, the movement of which is thus prohibited, may be removed from a prohibited status and included in the list for which movement is authorized in § 301.58-3, by administrative instructions issued by the Chief of the Bureau of En-

tomology and Plant Quarantine when evidence satisfactory to him is obtained that the movement of the product in question, either subject to a specified treatment, or as packed and shipped, will not result in the dissemination of injurious insects.

§ 301.58-3 *Fruits and vegetables the movement of which is authorized*.¹ (a) Subject to the conditions and limitations noted herein, and to such treatment as is herein or may hereafter be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, the following fruits and vegetables may be moved or allowed to be moved from Puerto Rico into or through any other State, Territory, or District of the United States when such fruits or vegetables are free from plant litter, are marked in compliance with § 301.58-6, and have been inspected by an inspector and certified by him to be free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or to have been given the prescribed treatment:

String beans, lima beans, faba beans, and pigeonpeas, in the pod, will be certified for movement only when they have been treated as prescribed by the Chief of the Bureau of Entomology and Plant Quarantine and under the supervision of an inspector.

Citrus fruits (orange, grapefruit, lemon, citron, and lime).

Corn (sweet corn on cob).

Peppers.

(b) The following fruits and vegetables are subject to inspection, either in the field or when presented for shipment, as the inspector may require, but unless found by him to be infested shall be free to move without certification, marking, treatment, or other requirements of the regulations in this subpart, except that they must be free from plant litter and soil: *Provided*, That if the inspector shall find any field, grove, lot, shipment, or container of such fruits and vegetables infested with injurious insects, he shall notify the owner or person in charge, in writing, of the existence of the infesta-

¹ The following are not interpreted as fresh fruits and vegetables within the meaning of § 301.58-1: Cocoanuts, breadnuts, dried peas and beans, dried seeds, dried or cured medicinal plants and herbs, anatto seeds (*achiote*), gourd (*higuero*), cannon-ball fruits (*Couroupita guianensis*), and cut flowers.

tion and the extent thereof, and thereafter movement of the fruit or vegetable so specified shall be prohibited while the infestation persists, unless in the judgment of the inspector movement may be safely allowed subject to certification after having been given an approved treatment, or after sorting, conditioning, or other effective safeguard measures:

Algarroba pods (*Hymenaea courbaril*).
 Allium spp. (onion, chive, garlic, leek, shallot, shallot).
 Anise (*Pimpinella anisum*).
 Apio, celery root (*Arracacia xanthorrhiza*).
 Arrowroot (*Maranta arundinacea*).
 Artichoke, Jerusalem (*Helianthus tuberosus*).
 Asparagus.
 Avocado.
 Balsamapple, balsain-pear (*Momordica balsamina*; *M. charantia*).
 Banana and plantain (fruit).
 Banana leaves (fresh, without stalks or midrib).
 Beans (fresh shelled lima and faba beans).
 Beet, including Swiss chard.
 Brassica oleracea (cabbage, cauliflower, Brussels sprouts, broccoli, collard, kale, kohlrabi, Savoy).
 Breadfruit, jackfruit (*Artocarpus* spp.).
 Cacao bean (*Theobroma cacao*).
 Carrot.
 Celery.
 Chayote (*Sechium edule*).
 Chicory, endive (*Cichorium intybus*).
 Citrus fruit (citron, grapefruit, lemon, lime, and orange) destined for ports on the Atlantic seaboard north of and including Baltimore.
 Cucumbers, including Angola cucumber (*Sicana odorata*).
 Culantro, coriander (*Eryngium foetidum*; *Coriandrum sativum*).
 Dasheen, malanga, taro (*Colocasia* and *Caladium* spp.).
 Eggplant.
 Fennel.
 Ginger root (*Zingiber officinale*).
 Kudzu (*Pueraria thunbergiana*).
 Lerens, sweet corn root (*Calathea allouia*).
 Lettuce.
 Mangosteen (*Garcinia mangostana*).
 Mustard greens.
 Palm hearts.
 Papaya, lechosa (*Carica papaya*).
 Parsley.
 Parsnip.
 Peas (in pod) (*Pisum sativum*).
 Pigeonpea (fresh shelled).
 Pineapple.
 Potato.
 Quenepa (*Melicocca bijuga*).
 Radish.
 Rhubarb.
 Rutabaga.
 Spinach.
 Squash, pumpkin, watermelon, vegetable marrow, cantaloup, calabaza.

Strawberry.
 Tamarind beanpod (*Tamarindus indica*).
 Tomato.
 Turnip.
 Watercress.
 Waterlily root, lotus root (*Nelumbium nelumbo*).
 Yam, ñame (*Dioscorea* spp.).
 Yautia, tanier (*Xanthosoma* spp.).
 Yuca, cassava (*Manihot esculenta*).

§ 301.58-3a *Administrative instructions; shipment of oranges and grapefruit from Puerto Rico to the mainland subject to treatment under supervision.* Investigations in treating fruit for the fruitfly *Anastrepha suspensa* (Loew) have demonstrated that the holding of the fruits at certain prescribed temperatures for certain periods will kill all stages of this insect.

The interstate shipment, subject to one of the following prescribed treatments, is therefore authorized for Puerto Rican oranges and grapefruit otherwise ineligible for the usual certification given under the provisions of § 301.58.

(a) *Heat treatment.* Heating the fruit with air at 100 percent relative humidity for a period of not less than 16 hours during which time the temperature at the approximate centers of the fruits shall be raised to 110° F. or above and maintained at 110° F. or above for the last 8 hours of such treatment.

(b) *Cold treatment.* Cooling until the approximate centers of the fruits reach a temperature of 34° F. or below and holding the fruits so that the inside temperature does not exceed 34° F. for a period of 15 days.

Either the heat treatment or the cold treatment may be employed at the shipper's option and at his expense provided that adequate facilities are available and arrangements for supervision can be made. Information on the application of the prescribed treatments may be had on application to the Bureau of Entomology and Plant Quarantine.

While injury to the fruits is not expected to result from either treatment, no liability shall be attached to the United States Department of Agriculture on account of any claim of damage to such fruits attributed to either treatment.

On and after January 15, 1940, certification for shipment to mainland destinations under § 301.58 will be given to

Puerto Rican oranges and grapefruit which have been subjected to either of the above prescribed treatments carried out under supervision of a plant quarantine inspector of the United States Department of Agriculture at a treating plant approved for the purpose. (Issued under § 301.58-3) [BEPQ 505, Chief, BEPQ, Jan. 4, 1940; 5 F.R. 73]

§ 301.58-3b *Administrative instructions; treatment requirement for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving from Puerto Rico.* Treatment is prescribed for green string beans, lima beans, faba beans, and pigeonpeas, in the pod, moving by freight or express from Puerto Rico to any other State, Territory, or District of the United States, effective November 15, 1941, as follows:

(a) *Vacuum fumigation.* Treatment is to be given in a standard vacuum fumigation vault equipped with a blower, with a 15-inch vacuum maintained throughout the period, at any temperature above 34° F., with a dosage of 3 pounds of methyl bromide per 1,000 cubic feet of space, including the load, for 1½ hours.

(b) *Atmospheric fumigation.* Treatment is to be given in an approved atmospheric fumigation vault provided with a circulating fan, for a period of 2 hours, with dosages of methyl bromide as follows: (1) if the mass temperature is between 50° and 70° F., the dosage shall be at the rate of 3 pounds per 1,000 cubic feet of space, including the load; (2) if the mass temperature is above 70° F., the dosage shall be at the rate of 1½ pounds per 1,000 cubic feet of space, including the load.

NOTE: Atmospheric fumigation is not recommended at temperatures below 50° F.

Treatment vaults and equipment will be approved for fumigation purposes by the Bureau of Entomology and Plant Quarantine through the local plant quarantine inspector only when reasonably accessible for supervision purposes and when properly constructed and equipped to carry out the treatment prescribed.

All costs of treatment other than the services of the supervising inspector shall be borne by the owner of the products, or his representative.

While the prescribed treatment is judged from experimental tests to be safe for use with these products the Department assumes no responsibility for any damage sustained through or in the course of treatment.

Shipments of small lots of these products may be certified for shipment by parcel post without fumigation when they have been examined by an inspector and found free from infestation. (Issued under §301.58-3 (a)) [BEPQ 518, Chief, BEPQ, Nov. 12, 1941, effective Nov. 15, 1941; 6 F.R. 5891]

§ 301.58-4 *Application for inspection.* Persons intending to move any of the fruits or vegetables for which certification is required under § 301.58-3 from Puerto Rico into or through any other State, Territory, or District of the United States shall make application for inspection thereof as far as possible in advance of the probable date of shipment. The application shall show the quantity of the fruits or vegetables which it is proposed to move, their identifying marks and numbers, their exact location, and the contemplated date of shipment. Forms on which to make application for inspection will be furnished, upon request, by the United States Department of Agriculture, Bureau of Entomology and Plant Quarantine.

§ 301.58-5 *Certification of shipments.* Fruits and vegetables for which certification is required under § 301.58-3 shall not be moved from Puerto Rico into or through any other State, Territory, or District of the United States, by ship, vessel, aircraft, or otherwise, unless each shipment is accompanied by a certificate issued by an inspector showing that such fruits or vegetables have been inspected and pronounced free from injurious insect infestation, including the West Indian fruitfly and the bean pod borer, or that the required treatment has been given. Copies of inspection certificates shall accompany the manifests, memoranda, or bills of lading pertaining to such shipments.

No charge will be made for the inspector's service in inspection and certification, but all costs for labor, cartage, storage, packing and unpacking, and other expenses incidental to inspection shall be borne by the shipper. Applicants for inspection shall place the fruits or

vegetables to be inspected so that they can be readily examined; if not so placed, inspection will be refused.

§ 301.58-6 *Marking of containers.* No fruits or vegetables for which certification is required under § 301.58-3 shall be moved from Puerto Rico into or through any other State, Territory, or District of the United States unless the crate, box, bale, or other container thereof is so marked with the marks and numbers given on the application that it may be identified at the port of first arrival.

§ 301.58-7 *Fruits and vegetables as ships' stores or in the possession of passengers and crew.* The movement of fruits and vegetables is permitted from Puerto Rico as ships' stores or in the possession of passengers and crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States: *Provided*, That all such products, on arrival in the United States must be submitted for inspection and disposition as provided in §§ 301.58-8 and 301.58-11, and (a) they must be free from infestation with injurious insects; (b) those fruits and vegetables not listed in § 301.58-3 shall not be landed; (c) prohibited fruits and vegetables retained aboard shall be subject to the safeguards provided in § 352.8 of this chapter.

§ 301.58-8 *Inspection of vessels.* Inspectors are authorized to enter upon ships, vessels, and aircraft from Puerto Rico at any time after they come within the territory or territorial waters of any other State, Territory, or District of the United States, whether in the stream or at the dock, wharf, mole, or landing field for the purpose of ascertaining by inspection whether any of the fruits and vegetables covered by this subpart are contained in such ships, vessels, or aircraft as cargo or ships' stores, or whether there remains any infestation from such fruits or vegetables.

§ 301.58-9 *Disinfection of vessels.* Disinfection under the direction of and in the manner prescribed by the inspector of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States upon arrival at the dock, wharf, mole, or landing field may be required if the ship, vessel, or aircraft is found to contain or to

be contaminated with any of the fruits or vegetables infested with injurious insects. Such disinfection shall be performed by the person having charge or possession of the ship, vessel, or aircraft and at a place satisfactory to the inspector. When such ship, vessel, or aircraft has been disinfected in a manner satisfactory to such inspector, he shall immediately issue and deliver to the person having charge or possession thereof a certificate to that effect.

§ 301.58-10 *Inspection of cargo.* Inspectors are authorized to ascertain by inspection of the cargo of any ship, vessel, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States at the port of first arrival, that each lot or shipment moving under certification agrees in nature and amount with the certificate, and that all shipments of fruits and vegetables for which a certificate is required are duly certified; to determine, in the case of fruits and vegetables the movement of which is not authorized, if infestation is present; and to require for such unauthorized shipments safeguards, treatment, return, or destruction, as may be necessary to prevent the dissemination of injurious insects.

§ 301.58-11 *Inspection of baggage.* Inspectors are authorized to ascertain by inspection whether any of the fruits or vegetables covered by this subpart are contained in the baggage or other personal belongings of passengers and members of the crew on ships, vessels, or aircraft plying between Puerto Rico and any other State, Territory, or District of the United States, to determine whether the same are infested with injurious insects, and in the case of infested or unauthorized products to require such safeguarding, treatment, or destruction as in the judgment of the inspector may be necessary. For the purpose of such inspection an inspector is authorized to open any box, bale, crate, bundle, or other package, including trunks, which may contain or be liable to contain any of the fruits or vegetables covered by this subpart. Such baggage inspection shall be made at the dock, airport, or landing field at the port of debarkation within any State, Territory, or District of the United States other than Puerto Rico, as the inspector may require, and

no such baggage or personal belongings of passengers or crew shall be removed from such dock, airport, or landing field until the same have been inspected and passed by an inspector.

§ 301.58-12 *Baggage declarations.* Before any ship, vessel, or aircraft from Puerto Rico arrives within the boundaries of any other State, Territory, or District of the United States, the master, captain, or other person having charge or possession of any such ship, vessel, or aircraft shall cause to be distributed to each passenger thereon a baggage declaration¹ to be furnished by the United States Department of Agriculture, calling attention to the provisions of the Plant Quarantine Act, § 301.58, and the regulations in this subpart. These baggage declarations, after being executed and signed by the passengers, shall be collected and delivered to the inspector at the port of debarkation.

§ 301.58-13 *Parcel post inspection.* Inspectors are authorized to inspect, with the cooperation of the United States Post Office Department, parcel post packages placed in the mails in Puerto Rico, to determine whether such packages contain fruits or vegetables the movement of which is not authorized under this subpart, to examine fruits and vegetables so found for insect infestation, and to notify the postmaster in writing of any violation of this subpart in connection therewith.

§ 301.58-14 *Movement by the Department of Agriculture.* Sections 301.58 to 301.58-13 shall not apply to movement of fruits and vegetables from Puerto Rico by the United States Department of Agriculture for experimental or scientific purposes.

Subpart—Sand, Soil or Earth, With Plants from Hawaii and Puerto Rico

NOTE: For notice of quarantine, see 7 CFR 301.60.

Subpart—Thurberia Weevil

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 301.61 to 301.61-15.

¹ Form EQ-911.

Subpart—White-Pine Blister Rust

SOURCE: §§ 301.63-1 to 301.63-7, inclusive, contained in Revised rules and regulations to Notice of Quarantine 63, Secretary of Agriculture, June 1, 1938, effective July 1, 1938; 3 F.R. 1267.

NOTE: For Notice of Quarantine 63, see 7 CFR 301.63.

RULES AND REGULATIONS

§ 301.63-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *White-pine blister rust, or blister rust.* The fungus disease caused by *Cronartium ribicola* Fischer.

(b) *Five-leaved pines.* Entire plants with roots, of the following species belonging to the genus *Pinus*:

American species:

- Ayacahuite pine (*P. ayacahuite* Ehrenb.).
- Bristlecone pine (*P. aristata* Engelm.).
- Foxtail pine (*P. balfouriana* Murr.).
- Limber pine (*P. flexilis* James).
- Mexican white pine (*P. strobiformis* Engelm.).
- Sugar pine (*P. lambertiana* Dougl.).
- Western white or silver pine (*P. monticola* D. Don).
- White bark pine (*P. albicaulis* Engelm.).
- White pine (northern) (*P. strobus* L.).

Foreign species:

- Balkan pine (*P. peuce* Griseb.).
- Chinese white pine (*P. armandi* Franch.).
- Himalayan or Bhotan pine (*P. excelsa* Wall.).
- Japanese white pine (*P. parviflora* Sieb. and Zucc.).
- Korean pine (*P. koraiensis* Sieb. and Zucc.).
- Swiss stone pine (*P. cembra* L.).

(c) *Currant and gooseberry plants.* Plants, cuttings, or scions, belonging to the genera *Ribes* L. and *Grossularia* (Tourn.) Mill., including cultivated or wild or ornamental sorts.

(d) *European black currant plants.* Plants, cuttings, stocks, scions, buds, seeds, or parts of plants of *Ribes nigrum* L.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

(f) *Dormant.* In a nonvegetative state, with inactive buds.

(g) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be

moved from one State or District of the United States into or through any other State or District.

§ 301.63-2 *Control of movement of five-leaved pines.* (a) Five-leaved pines shall not be moved interstate into any of the States of Arizona, Colorado, Georgia, Kentucky, Nevada, New Mexico, North Carolina, South Carolina, Tennessee, Utah, or Wyoming, nor into that part of California lying south of the south line of the counties of Humboldt, Trinity, Tehama, Butte, Plumas, and Lassen: *Provided*, That no restrictions are placed on the interstate movement of such pines from or between any of the 11 above-named entire States nor from the part of California described.

(b) Five-leaved pines or parts thereof, when visibly infected with the white-pine blister rust shall not be moved interstate into any State or District unless such pines are shipped in a preservative or are authorized and labeled in accordance with the provisions of § 301.63-7.

§ 301.63-3 *Control of movement of currant and gooseberry plants—(a) Embargo on European black currant plants.* No European black currant plants (*Ribes nigrum*) and no currant plants of the wild native western species known as *R. bracteosum* and *R. petiolare* shall be moved interstate in the continental United States except into or within the area comprised in the States of Alabama, Arkansas, Florida, Kansas, Louisiana, Mississippi, Missouri, Nebraska, North Dakota, Oklahoma, South Dakota, and Texas.

(b) *Control-area permits required.* No currant or gooseberry plants of any species or variety shall be moved interstate into any of the States of California,¹ Connecticut, Georgia,¹ Idaho, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, New Hampshire, New Jersey, New York, North Carolina,¹ Ohio, Pennsylvania, Rhode Island, Tennessee,¹ Vermont, Virginia, Washington, West Virginia, or Wisconsin, unless a Federal control-area permit has been issued therefor by an inspector designated to act for the Bureau of Entomology and Plant Quarantine in such State. Such permit will not be issued if the plants are to be shipped into or

planted in areas in which five-leaved pines have been protected from white-pine blister rust or in which such protection is contemplated. The continuance of this requirement as to any State is conditioned on the State providing such legal or other control on the planting and movement therein of currant and gooseberry plants as in the judgment of the Secretary of Agriculture may be deemed adequate to control white-pine blister rust in the protected areas.

(c) *Dipping or dormancy required.* No currant or gooseberry plants of any species or variety shall be moved interstate into any of the States of Arizona, Colorado, Georgia,² Kentucky, Nevada, New Mexico, North Carolina,² South Carolina, Tennessee,² Utah, or Wyoming, nor into that part of California² lying south of the south line of the counties of Humboldt, Trinity, Tehama, Butte, Plumas, and Lassen, unless such plants have either been dipped (except the roots) immediately prior to shipment in lime-sulphur solution of a strength of 4.5° B.,³ or are shipped in a dormant and defoliated condition. Such lime-sulphur dip shall be plainly visible on said plants and be easily detectable by odor, the judgment of the inspector to be final as to adequacy of the dip and as to the condition of the plants as to dormancy or defoliation: *Provided*, That no such dipping or dormancy restrictions are placed on the interstate movement of currant and gooseberry plants from or between any of the 11 above-named entire States, nor from the part of California described.

§ 301.63-4 *Marking requirements.* (a) Every box, bale, or other container of plants for which permits are required by §§ 301.63-3 and 301.63-7 shall be plainly marked with the name and address of the consignor and of the consignee, and shall bear the permit securely attached to the outside thereof.

(b) The permit in the case of carload shipments by rail shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to

¹ Dormancy and defoliation or lime-sulphur dip is also required for shipments to these States. See paragraph (c).

² Control-area permits are also required for shipments to these States. See paragraph (b).

³ Prepare this solution by diluting 1 part of commercial concentrated lime-sulphur solution of 32° B. with 8 parts of water.

such shipment. In the case of shipment by road vehicle, the permit shall accompany the vehicle.

§ 301.63-5 *Inspection in transit.* Every car, vehicle, box, bale, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infected articles or articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by an inspector at any time or place.

§ 301.63-6 *Cancellation of permits.* Permits issued under the regulations in this subpart may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the white-pine blister rust. After any such permit is withdrawn or has expired, the further use of any permit tags issued thereunder is prohibited.

§ 301.63-7 *Shipments for reforestation, experimental, educational, or scientific purposes.* Plants subject to restriction in these regulations may be moved interstate for reforestation purposes on Federal lands, or for experimental, educational, or scientific purposes on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of plants so moved, except when shipped to or in care of the Inspection House, Bureau of Entomology and Plant Quarantine, Washington, D. C., shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine.

Identifying tags to authorize the interstate movement of five-leaved pines for planting on Federal lands in any of the 11 entire States named and part of California described in § 301.63-2, will be issued only on condition that such pines have been raised under such sanitation conditions as in the judgment of the Bureau of Entomology and Plant Quarantine are adequate to protect them from infection by white-pine blister rust: *Provided*, That no permit is required for shipping such pines from or between any of the 11 entire States named nor from the part of California described.

Subpart—Mexican Fruitfly

SOURCE: §§ 301.64-1 to 301.64-8, inclusive, contained in Regulations (third revision) supplemental to Notice of Quarantine 64, Secretary of Agriculture, Oct. 10, 1939, effective Oct. 16, 1939; 4 F.R. 4222. Exceptions are noted in brackets following sections affected.

NOTE: For Notice of Quarantine 64, see 7 CFR 301.64.

RULES AND REGULATIONS

§ 301.64-1 *Definitions.* For the purpose of the regulations in this subpart, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly.* The insect known as the Mexican fruitfly (*Anastrepha ludens* Loew).

(b) *Regulated areas.* The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to § 301.64.

(c) *Host fruits.* Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible.

(d) *Harvesting season.* A period during which host fruits are permitted to be harvested for shipment interstate.

(e) *Host-free period.* A period during which no host fruits are produced or permitted to exist within the regulated area except under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine.

(f) *Inspector.* An inspector of the United States Department of Agriculture.

(g) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

§ 301.64-2 *Regulated area.* In accordance with the provisos to § 301.64, the Secretary of Agriculture designates as regulated area the counties of Brooks, Cameron, Dimmit, Hidalgo, La Salle, Webb, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect.

§ 301.64-3 *Restrictions on the interstate movement of fruit from the regulated area—(a) Permits required.* Grapefruit, oranges, and other citrus fruits, except lemons and sour limes, shall not be moved interstate from a regulated area into or through any point outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(b) *Movement of noncitrus hosts prohibited.* Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see § 301.64-1), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on lemons, sour limes, and manufactured fruits.* No restrictions are placed by the regulations in this subpart on the interstate movement of lemons, sour limes, or host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruitfly.

(d) *Movement through regulated area.* No restrictions are placed by the regulations in this subpart on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through billing.

§ 301.64-4 *Conditions governing the issuance of permits.* Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.* The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of the regulations in this subpart and shall

be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil, or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruitfly infestation.

(b) *Packing-house requirements.* The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruitfly. The packer shall also maintain a complete record of all receipts and sales or shipments of host fruits, subject to examination by the inspector.

(c) *Applications.* Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., as far as possible in advance of the probable date of shipment. Applications shall show the nature and quantity of the fruit it is proposed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be obtained. Each applicant shall file with his application a signed statement in which he agrees (1) to notify the inspector of all additional groves from which fruit for packing will be obtained, (2) not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations in this subpart, and (3) to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruitfly in such grove or adjoining groves or of failure on the part of the owner or manager of such

grove to comply with any condition of the regulations in this subpart.

(d) *Containers.* Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.* Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.* Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancellation of permits.* Permits issued under the regulations in this subpart may be withdrawn or canceled and further permits refused, whenever in the judgment of the Bureau of Entomology and Plant Quarantine, the further use of such permits might result in the dissemination of the Mexican fruitfly. After any such permit is withdrawn or has expired, the further use of any permit tags issued thereunder is prohibited.

§ 301.64-4a *Administrative instructions; treatment of grapefruit and oranges for the Mexican fruitfly.* The methods of sterilization specified below are hereby authorized, effective September 25, 1941, as a condition of the issuance of permits for interstate movement of grapefruit and oranges.

(a) *Vapor-heat method.* Heating the fruit for a period of not less than 14 hours during which time the fruit shall be raised to a temperature of 110° F. at the approximate center of the fruit and shall be maintained at or above that temperature for the last 6 hours of such treatment.

While no specifications as to the exact methods and equipment for obtaining these conditions are prescribed, the air within the room shall be maintained at the temperature and under the humidity

conditions required by the supervising inspector. Available information clearly indicates that by the application of dry heat the required temperatures cannot be reached without injury to the fruit. To prevent such injury it is necessary to maintain a very high humidity throughout the period of treatment. In the tests where successful performance was obtained, live steam as the source of heat was applied in such a way as to secure as nearly as possible a uniform distribution of steam-heated air so directed as not to discharge directly on the fruit. The air temperature ranged from 110° to 112° F. and the air was very moist. The fruit was held in field boxes stacked four boxes high and without special means of separating the boxes in each stack. The experiments indicate that the fruit should be sterilized after coloring, if this is necessary, and before packing for shipment, and then cooled down to a temperature around 45° F. as soon as possible after sterilizing. Wax or paraffine, either dry or in solution, should not be applied to this fruit before sterilization.

(b) *Low-temperature method.* (1) Cooling until the approximate center of the fruit reaches a temperature of 33° F. and holding the fruit at or below that temperature for a period of 18 days.

(2) Cooling until the approximate center of the fruit reaches a temperature of 34° F. and holding the fruit at or below that temperature for a period of 20 days.

(3) Cooling until the approximate center of the fruit reaches a temperature of 35° F. and holding the fruit at or below that temperature for a period of 22 days.

Such treatments as specified in paragraphs (a) and (b) of this section are authorized in sterilization or refrigeration plants in the regulated area which are approved by the Bureau of Entomology and Plant Quarantine. The Bureau will approve only those plants which are adequately equipped to handle and sterilize the fruit. Such sterilization will be done under the supervision of inspectors of the Bureau. These inspectors should at all times be given access to fruit while in process of sterilization.

While the results of the experiments so far conducted have been successful, it should be emphasized that inexactness

and carelessness in operation may result in injury to fruit. In authorizing the movement of fruit sterilized in accordance with the above requirements, it is understood that the Department does not accept responsibility for fruit injury. (Issued under § 301.64-4 (e)) [BEPQ 472 (Rev.), Chief, BEPQ, Sept. 19, 1941, effective Sept. 25, 1941; 6 F.R. 4897]

§ 301.64-5 *Conditions required in the regulated area.* The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated area under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

(a) *Harvesting season.* The harvesting season of host fruits within the regulated area shall begin on the 1st day of September of each year and end at midnight on April 30 of the following year except that in Dimmit, La Salle, and Webb Counties, the harvesting period for grapefruit shall end on the last day of February: *Provided*, That the harvesting period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

(b) *Host-free period.* A host-free period shall be maintained each year beginning on the 1st day of May and continuing through the last day of August, in the regulated area, except that in Dimmit, La Salle, and Webb Counties, the host-free period for grapefruit shall begin on the 1st day of March and continue through the last day of August: *Provided*, That the host-free period in any regulated area shall be subject to such modification as to duration as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve risk of spread of the Mexican fruitfly.

Prior to such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of Entomology and Plant Quarantine, and all other host fruits

shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruitfly.

(c) *Infested zones.* Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone shall be destroyed or processed in such a manner as to render them free from infestation.

§ 301.64-6 *Marking requirements.* Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit issued under the provisions of § 301.64-4, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under the regulations in this subpart shall, in addition to the shipping permit on each such container, be accompanied by a master permit showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.

§ 301.64-7 *Inspection in transit.* Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by the regulations in this subpart, shall be subject to inspection by inspectors at any time or place.

§ 301.64-8 *Shipments for experimental or scientific purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief

of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Subpart—Dutch Elm Disease

SOURCE: §§ 301.71 to 301.71-5, inclusive, contained in Notice of Quarantine 71, and supplemental rules and regulations, Secretary of Agriculture, Sept. 20, 1941, effective Oct. 1, 1941; 6 F.R. 4835. Exception is noted in brackets following section affected.

QUARANTINE

§ 301.71 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161), the Secretary of Agriculture quarantines the States of Connecticut, New Jersey, New York, and Pennsylvania, to prevent the spread of the Dutch elm disease. Hereafter, elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings, and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants (unless the wood is entirely free from bark) shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this section and of the regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary, the enforcement of the aforesaid regulations as to such regulated areas shall be adequate to prevent the spread of the Dutch elm disease: *Provided further*, That such limitations shall be conditioned upon the said State provid-

ing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Dutch elm disease therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infection: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

RULES AND REGULATIONS

§ 301.71-1 *Definitions.* For the purpose of the regulations in this subpart the following words, names, and terms shall be construed, respectively, to mean:

(a) *Dutch elm disease.* The plant disease known as the Dutch elm disease (*Ceratostomella ulmi* Buisman (*Graphium ulmi* Schwarz)), in any stage of development.

(b) *Quarantined area.* Any State quarantined by the Secretary of Agriculture to prevent the spread of the Dutch elm disease.

(c) *Regulated area.* Any area in a quarantined State which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.71.

(d) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(e) *Inspector.* An inspector of the United States Department of Agriculture.

§ 301.71-2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the first and second provisos to § 301.71, the restrictions provided in the regulations in this subpart on the interstate movement of plants and plant products and other articles enumerated in said § 301.71 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.

§ 301.71-3 *Regulated areas.* In accordance with the first and second provisos to § 301.71, the Secretary of Agriculture designates as regulated areas for the purpose of the regulations in this subpart the counties, townships, towns, and cities listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. Fairfield County; towns of Bethlehem, Bridgewater, Harwinton, Litchfield, Morris, New Milford, Roxbury, Thomaston, Torrington, Washington, Watertown, and Woodbury, in *Litchfield County*; all of *New Haven County* except the towns of Cheshire, Madison, Prospect, and Wolcott; and the town of Preston, in *New London County*.

New Jersey. Counties of Bergen, Essex, Hudson, Hunterdon, Mercer, Morris, Passaic, Somerset, Sussex, Union, and Warren; townships of Bordentown, Chesterfield, Mansfield, New Hanover, North Hanover, Pemberton, and Springfield, the city of Bordentown, and the boroughs of Fieldsboro and Pemberton, in *Burlington County*; all of *Middlesex County* except the townships of Cranbury and Monroe, and the boroughs of Helmetta, Jamesburg, and Spotswood; all of *Monmouth County* except the townships of Freehold, Millstone, Neptune, and Wall, and the boroughs of Avon-by-the-Sea, Belmar, Bradley Beach, Brielle, Freehold, Jersey Homestead, Manasquan, Neptune City, Sea Girt, South Belmar, Spring Lake, and Spring Lake Heights; and the township of Plumstead, in *Ocean County*.

New York. Counties of Bronx, Dutchess, Kings, Nassau, New York, Orange, Putnam,

Queens, Richmond, Rockland, and Westchester; town of Bethlehem, in *Albany County*; towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford, and Windsor, in *Broome County*; towns of Afton, Bainbridge, Coventry, and Greene, in *Chenango County*; towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Ghent, Livingston, and Taghkanic, in *Columbia County*; town of Deposit, in *Delaware County*; town of Catskill, in *Greene County*; town of Unadilla, in *Otsego County*; town of Mamakating, in *Sullivan County*; and all of *Ulster County* except the towns of Benning, Hardenbergh, Kingston, Olive, Shandaken, and Woodstock.

Pennsylvania. Township of Amity, in *Berks County*; all of *Bucks County* except the townships of Lower Southampton and Upper Southampton; townships of Lower Milford, Salisbury, and Upper Saucon, and the borough of Coopersburg, in *Lehigh County*; townships of Hanover, Pittston, and Plains, city of Wilkes-Barre, and the boroughs of Ashley, Edwardsville, Forty Fort, Kingston, Larksville, Plymouth, Sugar Notch, Warrior Run, and Wyoming, in *Luzerne County*; townships of Middle Smithfield, Smithfield, and Stroud, and the boroughs of Delaware Water Gap, East Stroudsburg, and Stroudsburg, in *Monroe County*; townships of Francconia, Hatfield, Lower Merion, Lower Moreland, Marlboro, New Hanover, Perkiomen, Salford, Upper Hanover, Upper Merion, West Norriton, and that portion of Whitemarsh Township northeast of Stanton Avenue, and the boroughs of Bridgeport, Bryn Athyn, East Greenville, Greenlane, Hatfield, Narberth, Pennsburg, Red Hill, Souderton, West Conshohocken, and West Telford, in *Montgomery County*; townships of Bethlehem, Hanover, Lower Mount Bethel, Lower Saucon, Upper Mount Bethel, and Williams, the city of Easton, and the boroughs of Freemansburg, Glendon, Hellertown, Portland, West Easton, and Wilson, in *Northampton County*; ward 35, in the city of Philadelphia, in *Philadelphia County*; and the townships of Harmony and Jackson, and the borough of Lanesboro, in *Susquehanna County*.

§ 301.71-4 *Control of movement of elm plants and elm products.* Elm plants or parts thereof of all species of the genus *Ulmus*, irrespective of whether nursery, forest, or privately grown, including (a) trees, plants, leaves, twigs, branches, bark, roots, trunks, cuttings and scions of such plants; (b) logs or cordwood of such plants; and (c) lumber, crates, boxes, barrels, packing cases, and other containers manufactured in whole or in part from such plants, if the wood is not free from bark, shall not be moved interstate from any regulated area to or through any point outside thereof.

Plants and plant products enumerated in this section may be moved inter-

state from an area not under regulation through a regulated area to a nonregulated area only when such movement is on through billing: *Provided*, That such movement by truck or other road vehicle may not be made during the period from April 1 to October 31, inclusive, of any 12-month period unless the restricted products contained therein while passing through any regulated area are covered or otherwise protected, to the satisfaction of an inspector, from contamination by insect vectors of the Dutch elm disease.

§ 301.71-4a *Administrative instructions; modifying the restrictions of the Dutch elm disease quarantine by authorizing the reshipment from points within the regulated area of elm plants received from nonregulated area and reshipped during the dormant period of the insect vectors of the disease.* Section 301.71-4 is hereby modified, effective November 10, 1941, by providing that elm plants originating in nonregulated area and received within the regulated area during the period from November 1 to March 31, inclusive, of any 12-month period may be reshipped interstate to nonregulated area during the period specified above when such plants have been handled under conditions of sanitation and segregation as prescribed by the inspector to prevent attack or infestation by insect vectors of the Dutch elm disease or accidental or natural infection by the fungus causing the disease. Such shipments of elm plants shall bear an identifying tag issued by the Bureau of Entomology and Plant Quarantine showing compliance with these conditions. (Issued under § 301.71) [BEPQ 517, Chief, BEPQ, Nov. 8, 1941, effective Nov. 10, 1941; 6 F.R. 5799]

§ 301.71-5 *Shipments for experimental and scientific purposes.* Articles subject to restriction in the regulations in this subpart may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

Subpart—White-fringed Beetle

SOURCE: §§ 301.72 to 301.72-9, inclusive, contained in Notice of Quarantine 72 and rules and regulations supplementary thereto, Secretary of Agriculture, Dec. 23, 1942, effective Dec. 28, 1942; 7 F.R. 10902. Exceptions are noted in brackets following sections affected.

QUARANTINE

§ 301.72 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U. S. C. 161), the Secretary of Agriculture quarantines the States of Alabama, Florida, Louisiana, Mississippi, and North Carolina to prevent the spread of dangerous infestations of introduced species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, and under authority contained in the aforesaid Plant Quarantine Act and the Insect Pest Act of March 3, 1905 (7 U. S. C. 141, 143), the Secretary of Agriculture prescribes regulations. Hereafter the following articles (as specifically named in the regulations supplemental hereto, in modifications thereof, or in administrative instructions as provided in the regulations supplemental hereto), which are capable of carrying the aforesaid insect infestations, viz, (a) nursery stock and other stipulated plants or plant products; (b) soil independent of, or in connection with, nursery stock, plants, or other products; or (c) other articles as stipulated in § 301.72-3; or (d) live white-fringed beetles in any stage of development, shall not be transported by any person, firm, or corporation from any quarantined State into or through any other State or Territory or District of the United States, under conditions other than those prescribed in the regulations supplemental hereto: *Provided*, That the restrictions of this quarantine and of the regulations supplemental hereto may be limited to such areas, designated by the Secretary of Agriculture as regulated areas, in the quarantined States, as, in his judgment, shall be adequate to prevent the spread of the said pest or pests. Any such limitation shall be conditioned, however, upon the affected State or States providing for and enforcing the control of the intrastate movement of the restricted articles and enforcing such other control and sanitation measures with respect to such areas or portions thereof as, in the judgment of the Secre-

tary of Agriculture, shall be deemed adequate to prevent the intrastate spread therefrom of said insect infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulations should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.

RULES AND REGULATIONS

§ 301.72-1 *Definitions*—(a) *The pests*. Species of the genus *Pantomorus*, subgenus *Graphognathus*, commonly known as white-fringed beetles, in any stage of development.

(b) *Regulated area*. Any area in a quarantined State which is now, or which may hereafter be, designated as regulated by the Secretary of Agriculture in accordance with the provisions of § 301.72 as revised.

(c) *Restricted articles*. Products or articles of any character whatsoever, the interstate movement of which is restricted by the provisions of the white-fringed beetle quarantine, and the regulations supplemental thereto.

(d) *Nursery stock*. Forest, field, and greenhouse-grown annual or perennial plants, for planting purposes.

(e) *Inspector*. Duly authorized Federal plant-quarantine inspector.

(f) *Certificate*. An approved document, issued by an inspector, authorizing the movement of restricted articles from the regulated areas.

(g) *Limited permit*. An approved document, issued by an inspector, to allow controlled movement of noncertified articles to designated and authorized destinations for processing or other restricted handling.

(h) *Administrative instructions*. Documents issued by the Chief of the Bureau

of Entomology and Plant Quarantine relating to the enforcement of the quarantine.

(i) *Infested or infestation*. Infested by white-fringed beetles, in any stage of development. (See (a) above.)

(j) *Infested area*. That portion of the regulated area in which infestation exists, or in the vicinity of which infestation is known to exist under such conditions as to expose the area to infestation by natural spread of beetles, as determined by an authorized inspector.

§ 301.72-2 *Regulated areas*. The following counties, parishes, cities, and towns, or parts thereof, as described, are designated by the Secretary of Agriculture as regulated areas:

Alabama. In *Conecuh County*: W. $\frac{2}{3}$ T. 5 N., R. 9 E., and all of those portions of Tps. 5 and 6 N., R. 8 E., lying in Conecuh County; in *Covington County*: Secs. 30 and 31, T. 2 N., R. 18 E.; secs. 25, 26, 35, and 36, T. 2 N., R. 17 E.; T. 1 N., Rs. 17 and 18 E., and SE $\frac{1}{4}$ T. 1 N., R. 16 E., and all area south thereof to the Alabama-Florida State line; also all the town of Opp; in *Dallas County*: That area included within a boundary beginning on the Southern Ry. where it crosses Bougechitto Creek; thence SW along the Southern Ry. to Caine Creek; thence SE along Caine Creek to its intersection with Bougechitto Creek; thence northward along Bougechitto Creek to the starting point; all of Tps. 13 and 14 N., R. 11 E., and secs. 1, 12, 13, 24, 25, and 36, T. 14 N., R. 10 E.; in *Escambia County*: Secs. 32, 33, and 34, T. 1 N., R. 8 E., including all of the town of Flomaton; in *Geneva County*: Secs. 31, 32, and 33, T. 1 N., R. 19 E., and all area south thereof to the Alabama-Florida State line, including all of secs. 21 and 28, T. 6 N., R. 19 W.; in *Loundes County*: W. $\frac{2}{3}$ T. 14 N., R. 12 E.; in *Mobile County*: That area included within a boundary beginning at a point where the eastern boundary of the city limits of Mobile, if extended northward, would intersect the northern boundary of S. $\frac{1}{3}$ T. 3 S., R. 1 W.; thence west to Chickasaw Creek; thence northwestward along Chickasaw Creek to Eight-Mile Creek; thence westerly along Eight-Mile Creek to the western boundary of R. 1 W.; thence south to Eslava Creek; thence easterly along Eslava Creek to the city limits of Mobile; thence southeasterly following the city limits east, south, east, and north to the starting point, including all of Blakeley Island and the city of Mobile; also that area included within a boundary beginning at a point where old Highway 90 crosses Fowl River; thence southwestward along old Highway 90 to its junction with the Alabama-Mississippi State line; thence south along the Alabama-Mississippi State line to the southern boundary of N. $\frac{1}{3}$ T. 7 S., R. 4 W.; thence east to the SE corner sec. 9, T. 7 S., R. 3 W.; thence north to the NE corner sec. 4 T. 7 S., R. 3

W.; thence east to the point where the south boundary of T. 6 S. intersects Fowl River; thence northwestward along Fowl River to the starting point; *in Monroe County*: W. $\frac{1}{3}$ T. 8 N., all of T. 9 N., and the S. $\frac{1}{2}$ T. 10 N., all in R. 9 E.; S. $\frac{1}{2}$ T. 10 N., all of Tps. 7, 8, and 9 N., R. 8 E., and those portions of Tps. 5 and 6 N., R. 8 E. lying in Monroe County; secs. 25, 26, 35, and 36, T. 7 N., R. 7 E., and secs. 1 and 2, T. 6 N., R. 7 E.; *in Wilcox County*: N. $\frac{1}{2}$ T. 10 N. and S. $\frac{1}{2}$ T. 11 N., R. 9 E., and secs. 8, 9, 10, 15, 16, and 17, T. 11 N., R. 9 E.

Florida. In Escambia County. All that part lying south of the northern boundary of T. 1 N., including all of the city of Pensacola, and that part of the county north of the southern boundary of T. 5 N. and east of the western boundary of R. 31 W.; *in Okaloosa County*: T. 5 N., R. 22 W., and secs. 1, 2, and 3, T. 5 N., R. 23 W., and all lands north of both areas to the Florida-Alabama State line; secs. 7, 8, 9, 16, 17, 18, 19, 20, and 21, T. 3 N., R. 23 W., including all of the town of Crestview; and secs. 13, 14, 23, 24, T. 3 N., R. 24 W.; *in Walton County*: T. 5 N., Rs. 20 and 21 W., and secs. 31, 32, and 33, T. 6 N., R. 19 W., and all lands north of both areas to the Florida-Alabama State line; also secs. 1 to 24, inclusive, T. 4 N., R. 19 W.

Louisiana. All of Orleans Parish, including the city of New Orleans, and all of Saint Bernard Parish; *in East Baton Rouge Parish*: All of T. 7 S., Rs. 1 and 2 E. and 1 W., including all of the city of Baton Rouge; *in Iberia Parish*: All of secs. 24, 37, 38, 39, 53, 55, and 56, T. 13 S., R. 5 E., and secs. 46, 55, 56, 57, 58, 59, 60, T. 13 S., R. 6 E.; *in Jefferson Parish*: That part lying north of the township line between Tps. 14 and 15 S.; *in Plaquemines Parish*: That part lying north of the township line between Tps. 15 and 16 S.; *in Saint Tammany Parish*: All of secs. 38, 39, and 40, T. 7 S., R. 11 E., and secs. 40 and 41, T. 8 S., R. 11 E.

Mississippi. In Covington County: All of secs. 28, 29, 32, and 33, T. 6 N., R. 14 W.; *in Forrest County*: All that portion of T. 5 N., R. 13 W. lying west of Leaf River; E. $\frac{2}{3}$ T. 5 N., R. 14 W. and secs. 5 and 8, T. 5 N., R. 14 W.; all of T. 4 N., Rs. 12 and 13 W., lying west of Leaf River, and that portion of T. 3 N., R. 12 W., lying south and west of Leaf River; that portion of T. 3 N., R. 13 W., lying east of U. S. Highway 49, and that portion of T. 2 N., R. 12 W. lying east of U. S. Highway 49; and secs. 1, 2, 3, 4, 9, 10, and 11 and those portions of secs. 12, 13, 14, 15, and 16 lying north of Black Creek in T. 1 N., R. 12 W.; and E. $\frac{5}{8}$ T. 1 S., R. 12 W.; *in Harrison County*: That area included within a boundary beginning at the NW corner sec. 26, T. 4 S., R. 12 W., thence south to the NW corner sec. 14, T. 6 S., R. 12 W.; thence west to the NW corner sec. 16, T. 6 S., R. 12 W.; thence south to the intersection with Wolf River; thence southwesterly along Wolf River to Saint Louis Bay; thence south along the east shore of Saint Louis Bay to the Mississippi Sound;

thence eastward along the Mississippi Sound to a point of intersection with the Bay of Biloxi; thence westerly along the Bay of Biloxi to the SE corner sec. 17, T. 7 S., R. 10 W.; thence north along the section line to the NE corner sec. 5, T. 7 S., R. 10 W.; thence west along the section line to Biloxi River; thence northwestward along Biloxi River to the intersection of the east line of sec. 5, T. 6 S., R. 11 W.; thence north to the Stone County line; thence west to the starting point including all properties extending over or into the Mississippi Sound and the Bay of Biloxi; *in Hinds County*: E. $\frac{1}{2}$ T. 6 N., R. 3 W., and W. $\frac{1}{3}$ T. 6 N., R. 2 W.; *in Jackson County*: That area included within a boundary beginning at a point where the east line of sec. 19, T. 7 S., R. 5 W. intersects Escatawpa River; thence west along said river to the Pascagoula River; thence south along the Pascagoula River to the township line between Tps. 7 and 8 S.; thence east to the SE corner sec. 31, T. 7 S., R. 5 W.; thence north to the starting point; all that portion of T. 7 S., R. 9 W. lying in Jackson County and the W. $\frac{2}{3}$ Tps. 7 and 8 S., R. 8 W.; *in Jefferson Davis County*: Secs. 1, 2, 11, and 12, T. 7 N., R. 19 W.; secs. 35 and 36, T. 8 N., R. 19 W.; sec. 31, T. 8 N., R. 18 W., and secs. 6 and 7, T. 7 N., R. 18 W., including all of the town of Prentiss; *in Jones County*: Secs. 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35, T. 9 N., R. 11 W.; secs. 2, 3, 4, 5, 6, 7, 8, 9, 16, 17, and 18, T. 8 N., R. 11 W.; secs. 13, 14, 24, 25, 35, and 36, T. 9 N., R. 12 W.; those portions of secs. 23 and 26, T. 9 N., R. 12 W., lying east of Tallahoma Creek; secs. 1, 2, 11, 12, 13, and 14, T. 8 N., R. 12 W.; secs. 25, 26, 27, 34, 35, and 36, T. 6 N., R. 14 W.; secs. 29, 30, 31, and 32, T. 6 N., R. 13 W., and those portions of secs. 28 and 33, T. 6 N., R. 13 W., lying west of Leaf River; *in Lamar County*: All of the town of Purvis; all of secs. 35 and 36, T. 1 N., R. 15 W.; sec. 31, T. 1 N., R. 14 W., and secs. 1 and 2, T. 1 S., R. 15 W.; *in Pearl River County*: All that area included within a boundary beginning at a point at the northern city limits of Poplarville in sec. 19, T. 2 S., R. 15 W. on the New Orleans & Northeastern R. R.; thence northeasterly along said railroad to a point where it intersects the south line of sec. 15, T. 1 S., R. 15 W.; thence east to the SE corner sec. 14, T. 1 S., R. 15 W.; thence north to the Lamar County line; thence west and north along said county line to the NW corner sec. 4, T. 1 S., R. 15 W.; thence south to the NW corner sec. 16, T. 1 S., R. 15 W.; thence west to the NW corner sec. 18, T. 1 S., R. 15 W.; thence south to the NW corner sec. 18, T. 2 S., R. 15 W.; thence west to the NW corner sec. 13, T. 2 S., R. 16 W.; thence south along the section line to a point where it would intersect the line of the northern boundary of Poplarville if extended westward; thence east along this line to the starting point; all of T. 5 S., R. 16 W., and the E. $\frac{1}{2}$ of T. 5 S., R. 17 W.; *in Stone County*: W. $\frac{1}{3}$ Tps. 2 and 3 S., R. 11 W.; secs. 5, 6, 7, 8, 17, 18, 19, 20, T. 4 S., R. 11 W.; E. $\frac{1}{2}$ T. 2 S., R. 12 W., and secs. 3, 4, 5, 8, 9, and 10, T. 2 S.,

R. 12 W.; E. $\frac{1}{3}$ T. 3 S., R. 12 W.; and secs. 1, 2, 11, 12, 13, 14, 23, and 24, T. 4 S., R. 12 W.

North Carolina. In New Hanover County: The city of Wilmington; Cape Fear township; all that part of Harnett township lying west of the Wrightsboro-Winter Park Road, including all of the town of Winter Park; and that part of Masonboro township north of the new road between Sunset Park and Winter Park; *in Pender County:* Townships of Burgaw, Caswell, and Rocky Point, and that part of Columbia township lying south of an imaginary straight line drawn east and west across the township to connect the northern boundaries of Burgaw and Caswell townships; *in Wayne County:* Goldsboro township.

§ 301.72-2a *Beetles prohibited shipment.* The interstate shipping of living white-fringed beetles in any stage of development, whether moved independent of or in connection with any other article, is prohibited, except as provided in paragraph (b) of § 301.72-9.

§ 301.72-3 *Restricted articles.* Except as provided in administrative instructions, the interstate movement of the following articles from any regulated area is regulated throughout the year:

(a) Soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with or attached to nursery stock, plants, products, articles, or things.

(b) Compost, manure, moss, and leaf-mold.

(c) Nursery stock.

(d) Grass sod.

(e) Potatoes.

(f) True bulbs, corms, tubers, and rhizomes of ornamental plants.

(g) Hay.

(h) Peanuts in shells.

(i) Seed cotton, cottonseed, and baled cotton lint and linters.

(j) Scrap metal and junk.

(k) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(l) Brick, tile, stone, and cinders.

(m) Concrete slabs, pipe, and building blocks.

(n) Implements, machinery, equipment, and containers.

§ 301.72-3a *Administrative instructions; modification of certification requirements for specified articles.* The certification requirements are hereby modified effective December 28, 1942, through June 15, 1943, for the interstate movement of the following articles and materials enumerated in § 301.72-3:

(a) *Articles permitted movement under specified conditions.* Certificates may be issued for the interstate movement of the following materials under the conditions specified below:

(1) Soil, sand, gravel, clay, peat, or muck, when taken from a depth of at least 2 feet below the existing surface, and when entirely free from any surface soil to a depth of 2 feet.

(2) Sand and gravel, when washed, processed, or otherwise treated to the satisfaction of the inspector.

(b) *Articles for which all certification requirements waived.* All certification requirements are waived for the following articles and materials when free from soil and when sanitation practices are maintained as prescribed by or to the satisfaction of the inspector:

(1) Potatoes, except that those freshly harvested are not exempt.

(2) True bulbs, corms, tubers, and rhizomes of ornamental plants, except that those freshly harvested or uncured are not exempt.

(3) Hay, except that peanut hay is not exempt.

(4) Seed cotton, cottonseed, and baled cotton lint and linters.

(5) Scrap metal and junk.

(6) Forest products such as cordwood, stump wood, logs, lumber, timbers, posts, poles, and cross ties.

(7) Brick, tile, stone, and cinders.

(8) Concrete slabs, pipe, and building blocks.

(9) Implements, machinery, equipment, and containers.

(c) *Articles remaining under quarantine.* Certification is required for the following articles and materials enumerated in § 301.72-3:

(1) All soil, sand, gravel, clay, peat, or muck, whether moved independent of, or in connection with, or attached to nursery stock, plants, products, articles, or things.

(2) Compost, manure, moss, and leaf-mold.

(3) Nursery stock.

(4) Grass sod.

(5) Potatoes, freshly harvested.

(6) True bulbs, corms, tubers and rhizomes of ornamental plants when freshly harvested or uncured.

(7) Peanuts in the shell.

(8) Peanut hay

(Issued under § 301.72) [BEPQ 485, 11th Rev., Chief, BEPQ, Dec. 23, 1942, effective Dec. 28, 1942; 7 F.R. 10905]

§ 301.72–4 *Conditions governing interstate movement of restricted articles.*

(a) *Certification required.* Restricted articles shall not be moved interstate from a regulated area to or through any point outside thereof unless accompanied by a valid inspection certificate issued by an inspector: *Provided*, That certification requirements as they relate to part or all of any regulated area may be waived, during part or all of the year, by the Chief of the Bureau of Entomology and Plant Quarantine, on his finding and giving notice thereof, in administrative instructions, that the State concerned has promulgated and enforced adequate sanitary measures on and about the premises on which restricted articles originate or are retained, or that adequate volunteer sanitary measures have been applied, or that other control or natural conditions exist which have eliminated the risk of contamination by the pests in any stage of development.

(b) *Use of certificate on shipments.* Unless exempted by administrative instructions, every container of restricted articles moved interstate from any regulated area shall have securely attached to the outside thereof a certificate or permit issued in compliance with the regulations in this subpart, except that in the case of shipments in bulk, by common carrier, a master permit attached to the shipping order, manifest, or other shipping papers, will be sufficient. In the case of shipments in bulk by road vehicle other than common carrier, a master permit shall accompany the vehicle. Master permits shall accompany shipments to destination and be surrendered to consignees on delivery.

(c) *Movement within continuous areas unrestricted.* No certificates are required for interstate movement of restricted articles when such movement is wholly within continuous regulated areas.

(d) *Articles originating outside the regulated areas.* No certificates are required for the interstate movement of restricted articles originating outside of the regulated areas and moving through or from a regulated area, when the point of origin is clearly indicated, when their identity has been maintained, and when the articles are protected, while in the

regulated area, in a manner satisfactory to the inspector.

§ 301.72–5 *Conditions governing the issuance of certificates and permits—*

(a) *Approved methods.* Certificates authorizing the interstate movement of restricted articles from the regulated areas may be issued upon determination by the inspector that the articles are (1) apparently free from infestation; or (2) have been treated, fumigated, sterilized, or processed under approved methods; or (3) were grown, produced, manufactured, stored, or handled in such a manner that, in the judgment of the inspector, no infestation would be transmitted thereby: *Provided*, That certificates authorizing the interstate movement of soil, sand, gravel, clay, peat, muck, or compost, originating in an infested area may be issued only when such materials have been treated or handled under methods or conditions approved by the Chief of the Bureau of Entomology and Plant Quarantine.

(b) *Limited permits.* Limited permits may be issued for the movement of non-certified restricted articles to destinations and consignees as may be authorized and designated by the Chief of the Bureau of Entomology and Plant Quarantine for processing or other handling. As a condition of such authorization and designation, persons or firms shipping, receiving, or transporting such articles may be required to agree in writing to maintain such sanitary safeguards against the establishment and spread of infestation and to comply with such conditions as to the maintenance of identity, handling, or subsequent movement of restricted products and cleaning of railway cars, trucks, or other vehicles used in the transportation of such articles as may be required by the inspector.

(c) *Dealer-carrier permit.* As a condition of issuance of certificates or permits for the interstate movement of restricted articles, persons or firms engaged in purchasing, assembling, exchanging, processing, or carrying such restricted articles originating or stored in regulated areas, may be required to execute a signed agreement stipulating that the permittee will carry out any and all conditions, treatments, precautions, and sanitary measures which may be deemed necessary.

§ 301.72–5c *Administrative instructions; treatments authorized.* The following methods of treatment are hereby

authorized effective January 9, 1942, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls—*

(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation must be done with methyl bromide at a dosage of 1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(ii) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not greater than 3 inches in diameter when spherical or thicker than 3 inches if not spherical, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gas-tight doors.

(iv) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(v) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury may be done with dosage schedules as prescribed below. The vacuum shall be maintained during the entire period. The period of fumigation shall be 1½ hours in all instances.

Species	Soil temperatures at least	Dosage per 1,000 cubic feet
For <i>Pantomorus</i> spp. (except <i>P. peregrinus</i>) -----	° F.	Pounds
	50	5.5
	55	4.5
	60	4.0
	65	3.5
	70	3.0
For <i>P. peregrinus</i> or mixed species including <i>P. peregrinus</i> -----	75	2.5
	50	5.5
	55	5.0
	60	4.5
	65	4.0
	70	3.5
	75	3.0

(ii) The soil masses shall have a diameter of not more than 16 inches if spherical, or if not spherical the masses or pots shall be of such size that no point within them will be more than 8 inches from the nearest point on the surface.

(iii) The soil shall not be puddled or saturated and must be in a condition which in the judgment of the inspector is suitable for fumigation.

(iv) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and to bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(v) A standard vacuum fumigation chamber that can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

NOTE: See also paragraphs (d) and (e) (1) (1) of this section.

(3) *Methyl bromide solution—* (i) *Treatment method.* (Applicable to all regulated areas). (a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(b) A 2-inch space filled with sand shall be provided between the soil balls also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (a) In Orleans Parish, in-

cluding the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(b) In all regulated areas other than Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil*—(1) *Carbon disulphide fumigation*. (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U.S.P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of an authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation*. (i) Potting soil must be treated in a con-

tainer with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(iv) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment*. (i) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes 1-32 inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.

(4) *Methyl bromide and carbon disulphide*. (See instructions in paragraph (c).)

(c) *Soil plots, plunging beds, and potting soil*—(1) *Methyl bromide*. (i) Inject the liquid methyl bromide into the soil at a depth of 6 inches by means of a hollow needle or other suitable injector at the rate of 4.7 milliliters per square foot or 7 milliliters per 1½ square feet of soil surface.

(ii) After treatment has been applied to the plot the soil should be covered with 10- or 15-pound building paper, lapped 4 inches and weighted down so that it will not be blown off.

(iii) The soil must be at a temperature not lower than 45° F. at a depth of 6 inches when the treatment is applied. At temperatures from 45° to 62° inclusive the soil must be kept covered for a period of 6 days to insure complete mortality of all eggs, larvae, pupae, and adults of the insect which may be present in the soil

under treatment. At temperatures above 62° the soil must be kept so covered for a period of not less than 4 days.

(2) *Carbon disulphide.* (i) The insecticide shall be applied at the rate of 33 milliliters per square foot of soil surface, the liquid to be poured into holes at least 6 inches deep and 1 inch in diameter at the top, and covered immediately with earth.

(ii) After application the plot should be covered with 10- to 15-pound building paper which shall remain in position for at least 4 days in order to insure complete mortality of any eggs, larvae, pupae, or adults of white-fringed beetles that may be present.

(iii) The treatment shall not be applied to soil which is below 80° F. in temperature at a depth of 6 inches.

(d) *Disclaimer.* There has been opportunity to test these treatments on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

(e) *Caution—*(1) *Methyl bromide.* (i) Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use gas masks approved by the United States Bureau of Mines for use with methyl bromide, when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(ii) The method for application of methyl bromide described in paragraph (c) provides a closed system in which the operator is not exposed to a dangerous concentration of the gas provided there is no leakage in any exposed portion of the equipment. Extreme care should be exercised to keep all joints of such apparatus tight and replace any defective parts to prevent accident. The operator should avoid getting any liquid

methyl bromide on his clothing or his body at any time.

(2) *Carbon disulphide.* (i) The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

(ii) Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air. (Issued under § 301.72-5) [BEPQ 503, 4th Rev., Chief, BEPQ, Jan. 6, 1942, effective Jan. 9, 1942, as amended by Supp. 1, 1st Rev., Jan. 7, 1943, effective Jan. 18, 1943; 7 F.R. 239, 8 F.R. 820]

§ 301.72-6 *Assembly of restricted articles for inspection.* Persons intending to move restricted articles, the certification of which is required, interstate from regulated areas shall make application for certification as far as possible in advance of the probable date of shipment. Applications must show the nature and quantity of articles to be moved, together with their exact location, and if practicable, the contemplated date of shipment. Applicants for inspection may be required to assemble or indicate the articles to be shipped so that they may be readily examined by the inspector.

The United States Department of Agriculture will not be responsible for any cost incident to inspection or treatment other than the services of the inspector.

§ 301.72-7 *Cancellation of certificates or permits.* Certificates or permits issued under these regulations may be withdrawn or canceled and further certification refused whenever, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, the further use of such certificates or permits might result in the dissemination of infestation.

§ 301.72-8 *Cleaning of freight cars, trucks, and other vehicles.* When in the judgment of the inspector a hazard of spread of infestation is presented, thorough cleaning of freight cars, trucks,

and other vehicles may be required before movement interstate to points outside the regulated areas when such freight cars, trucks, or other vehicles have been used for the transportation of uncertified restricted articles within regulated areas.

§ 301.72-9 *Articles for experimental or scientific purposes.* (a) Articles subject to restrictions may be moved interstate for experimental or scientific purposes, on such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

(b) *Beetles for experimental or scientific purposes.* Live white-fringed beetles, in any stage of development, may be moved interstate for scientific purposes only under conditions prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of white-fringed beetles so moved shall bear an identifying tag from the Bureau of Entomology and Plant Quarantine.

APPENDIX

PENALTIES

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport, from any quarantined State or Territory or District of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds, or other plant products, or any class of stone or quarry products, or any other article of any character whatsoever, capable of carrying any dangerous plant disease or insect infestation, specified in the notice of quarantine * * * in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding \$500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

STATE AND FEDERAL INSPECTION

Certain of the quarantined States have promulgated quarantine regulations restrict-

ing intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained at the office of the Bureau of Entomology and Plant Quarantine, Room 6, Gates-Cook Building (Tel. 1591), P. O. Box 989, Gulfport, Miss., or through a White-fringed Beetle Inspector at one of the subsidiary offices.

GENERAL OFFICES OF STATES COOPERATING

Alabama: Chief, Division of Plant Industry, Montgomery.

Florida: Assistant Plant Commissioner, State Plant Board, Gainesville.

Louisiana: State Entomologist, Baton Rouge

Mississippi: Entomologist, State Plant Board, State College.

North Carolina: State Entomologist, Raleigh.

PART 302—DISTRICT OF COLUMBIA; MOVEMENT OF PLANTS AND PLANT PRODUCTS

ORDER

Sec.

302.1 Movements of plants and plant products into and out of the District of Columbia.

RULES AND REGULATIONS

302.2 Definitions.

302.3 Unrestricted articles.

302.4 Requirements relating to nursery stock and other plants and plant products.

302.5 Shipments which fail to comply with regulations.

302.6 Certification of nursery stock and herbaceous perennial plants, bulbs and roots.

NOTE: For the text of the regulations in this part, see 7 CFR Part 302.

PART 319—FOREIGN QUARANTINE NOTICES

Subpart—Pink Bollworm of Cotton

QUARANTINE

Sec.

319.8 Notice of quarantine.

REGULATIONS GOVERNING ENTRY OF COTTONSEED, SEED COTTON, AND COTTONSEED HULLS FROM IMPERIAL VALLEY

319.8-1 Application for permits.

319.8-2 Permits for entry of cottonseed, seed cotton, and cottonseed hulls.

319.8-3 Importer's or broker's report to the Secretary of Agriculture.

319.8-4 Conditions of entry of cottonseed, seed cotton and cottonseed hulls.

Subpart—Avocado Seed		RULES AND REGULATIONS	
Sec.		Sec.	
319.12	Notice of quarantine.	319.37-1	Definitions.
		319.37-2	Plant products and seeds for which permit is not required.
	Subpart—Sugarcane	319.37-2a	Aglaonema may be entered only under permit.
319.15	Notice of quarantine.	319.37-2b	Seeds of Lathyrus and Vicia may be entered only under permit.
	Subpart—Citrus Canker and Other Citrus Diseases	319.37-2c	Administrative instructions; restrictions on the entry of cut flowers and decorative plant material.
319.19	Notice of quarantine.		
	Subpart—Corn Diseases	319.37-3	Nursery stock, other plants and parts of plants, including seeds, for which a permit is required.
	QUARANTINE		
319.24	Notice of quarantine.	319.37-4	Application for permits for importation of nursery stock and other plants and seeds.
	REGULATIONS GOVERNING ENTRY OF INDIAN CORN OR MAIZE	319.37-5	Delivery in bond pending receipt of permit will be allowed for shipment from countries maintaining inspection.
319.24-1	Applications for permits for importation of corn.		
319.24-2	Permits for entry of corn.	319.37-6	Issuance of permits.
319.24-3	Marking as condition of entry.	319.37-7	Certification, marking, freedom from sand, soil, or earth, and approved packing material.
319.24-4	Notice of arrival of corn by permittee.		
319.24-5	Condition of entry.	319.37-7a	Administrative instructions; willow withes as plant ties prohibited on plants for entry from Europe and Canada.
	Subpart—Citrus Fruit		
	QUARANTINE	319.37-7b	Administrative instructions; packing materials for nursery stock, plants, and seeds.
319.28	Notice of quarantine.		
	REGULATIONS GOVERNING IMPORTATION OF ORANGES OF THE MANDARIN CLASS (INCLUDING SATSUMA AND TANGERINE VARIETIES)	319.37-8	Inspection.
		319.37-9	Disinfection, a condition of entry.
319.28-1	Applications for permits.	319.37-9a	Treatment requirement of non-infested Holland narcissus bulbs.
319.28-2	Permits for entry.		
319.28-3	Inspection, certification, and marking as a condition of entry.	319.37-10	Notice of arrival by permittee.
319.28-4	Notice of arrival by permittee.	319.37-10a	Administrative instructions; notices of shipment of nursery stock made a condition of entry.
319.28-5	Reinspection on arrival.		
	Subpart—Sweetpotato and Yam	319.37-11	Notice of shipment by permittee.
319.29	Notice of quarantine.	319.37-12	Marking a condition of Interstate shipment of nursery stock and other plants and seeds not inspected.
	Subpart—Banana Plants		
319.31	Notice of quarantine.	319.37-13	Cancellation of permits for violation of regulations.
	Subpart—Bamboo	319.37-14	Special permits for importation in limited quantities of restricted plants.
319.34	Notice of quarantine.	319.37-14a	Administrative instructions; limitations on special-permit plant material entered for propagation purposes under § 319.37-14.
	Subpart—Nursery Stock, Plants and Seeds		
	QUARANTINE	319.37-15	Permits for the importation of nursery stock and other plants and seeds from countries contiguous to the United States.
319.37	Notice of quarantine.		
319.37a	Entry of Chinese sacred lily into Hawaii authorized.		

Subpart—Indian Corn or Maize, Broomcorn, and Related Plants**QUARANTINE**

Sec.
319.41 Notice of quarantine.

RULES AND REGULATIONS

319.41-1 Plant products permitted entry.
319.41-2 Application for permits.
319.41-3 Issuance of permits.
319.41-4 Notice of arrival by permittee.
319.41-5 Conditions of entry.
319.41-5a Administrative instructions; method used for the disinfection of imported broomcorn and broomcorn brooms.
319.41-6 Importations by mail.

Subpart—Rice**QUARANTINE**

319.55 Notice of quarantine.

RULES AND REGULATIONS

319.55-1 Definitions.
319.55-2 Application for permit.
319.55-3 Ports of entry.
319.55-4 Issuance of permits.
319.55-5 Notice of arrival by permittee.
319.55-6 Inspection and disinfection at port of arrival.
319.55-7 Importations by mail.

Subpart—Fruits and Vegetables**QUARANTINE**

319.56 Notice of quarantine.

RULES AND REGULATIONS

319.56-1 Definitions.
319.56-2 Restrictions on entry of fruits and vegetables.
319.56-2a Permits required for entry of chestnuts and acorns.
319.56-2b Administrative instructions; conditions governing the entry of acorns and chestnuts.
319.56-2c Administrative instructions; restrictions affecting the importation and interstate movement of frozen-pack fruits.
319.56-2d Administrative instructions; sterilization of imported Vinifera grapes by refrigeration.
319.56-2e Administrative instructions; importation of Vinifera grapes and certain other deciduous fruits subject to in-transit sterilization authorized.
319.56-2f Administrative instructions; conditions governing the entry of cipollini from Morocco.

Sec.

319.56-3 Applications for permits for importation of fruits and vegetables.

319.56-4 Issuance of permits.

319.56-5 Notice of arrival by permittee.

319.56-6 Inspection and disinfection of importations of fruits and vegetables.

319.56-7 Inspection of baggage and cargo on the dock.

Subpart—Flag Smut

319.59 Notice of quarantine.

Subpart—Packing Materials**QUARANTINE**

319.69 Notice of quarantine.

RULES AND REGULATIONS

319.69-1 Definitions.
319.69-2 Freedom from pests.
319.69-3 Entry inspection.
319.69-4 Disposition of materials found in violation.
319.69-5 Types of soil authorized for packing.

Subpart—Dutch Elm Disease

319.70 Notice of quarantine.

Subpart—Coffee**QUARANTINE**

319.73 Notice of quarantine.

RULES AND REGULATIONS

319.73-1 Permit.
319.73-2 Inspection and safeguard provisions.
319.73-3 Restrictions on in-transit shipments.

AUTHORITY: §§ 319.8 to 319.73-3, inclusive, issued under 37 Stat. 317; 7 U.S.C. 160.

Subpart—Pink Bollworm of Cotton

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 319.8 to 319.8-4.

Subpart—Avocado Seed

NOTE: For notice of quarantine, see 7 CFR 319.12.

Subpart—Sugarcane

NOTE: For notice of quarantine, see 7 CFR 319.15.

Subpart—Citrus Canker and Other Citrus Diseases

NOTE: For notice of quarantine, see 7 CFR 319.19.

Subpart—Corn Diseases

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 319.24 to 319.24-5.

Subpart—Citrus Fruit

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 319.28 to 319.28-5.

Subpart—Sweetpotato and Yam

NOTE: For notice of quarantine, see 7 CFR 319.29.

Subpart—Banana Plants

NOTE: For notice of quarantine, see 7 CFR 319.31.

Subpart—Bamboo

NOTE: For notice of quarantine, see 7 CFR 319.34.

Subpart—Nursery Stock, Plants, and Seeds

NOTE: For notice of quarantine and the text of the regulations in this subpart not appearing in this supplement, see 7 CFR Part 319.

RULES AND REGULATIONS

§ 319.37-3 *Nursery stock, other plants and parts of plants, including seeds, for which a permit is required.* The following nursery stock, other plants and parts of plants, including seeds, not including, however, such other plants and parts of plants which are governed by special quarantines and other restrictive orders now in force, nor such as may hereafter be made the subject of special quarantines, may be imported, without limitation as to quantity or use, from countries which maintain inspection, under permit upon compliance with the regulations in this subpart:

(a) Bulbs, corms, or root stocks (pips) of the following genera: *Lilium* (lily), *Convallaria* (lily-of-the-valley), *Hyacinthus* (hyacinth), *Tulipa* (tulip), *Crocus*, and *Narcissus* (daffodil and jonquil); until further notice, *Chionodoxa* (glory-of-the-snow), *Galanthus* (snowdrop), *Scilla* (squill), *Fritillaria*, *Muscari* (grape-hyacinth), *Ixia*, and *Eranthis* (winter aconite); and, on and after December 1, 1939, *Begonia* and *Gloxinia* tubers.

(b) Cuttings, scions, and buds of fruits or nuts: *Provided*, That cuttings, scions, and buds of fruits or nuts may be imported from Asia, Japan, Philippine Islands, and Oceania (including Australia and New Zealand) under the provisions of § 319.37-14 only. (Stocks of fruits or nuts may not be imported, under permit or otherwise.)

(c) Rose stocks, including *Manetti*, *Rosa multiflora* (brier rose), and *R. rugosa*.

(d) Nuts, including palm seeds for growing purposes: *Provided*, That such nuts or seeds shall be free from pulp.

(e) Seeds of fruit, forest, ornamental, and shade trees, seeds of deciduous and evergreen ornamental shrubs, and seeds of hardy perennial plants: *Provided*, That such seeds shall be free from pulp: *Provided further*, That citrus seeds may be imported only through specified ports subject to disinfection as provided in § 319.37-9: *Provided further*, That mango seeds may not be imported under permit or otherwise, except from the countries of North America, Central America, and South America, and the West Indies.

Importations from countries not maintaining inspection of nursery stock, other plants and parts of plants, including seeds, the entry of which is permissible under this section, may be made under permit upon compliance with these regulations in limited quantities for public-service purposes only, but this limitation shall not apply to tree seeds.

(f) Materials permitted entry under § 319.56 for consumption purposes are authorized entry under this section for propagation. [R. and regs., Sec. Agric., as amended Nov. 30, 1938; 3 F.R. 2822]

§ 319.37-9a *Treatment requirement of noninfested Holland narcissus bulbs.* The requirement of hot-water treatment for Holland narcissus bulbs as a condition of entry is revoked, effective August 15, 1939. On and after that date, all such importations, in accordance with the provisions of § 319.37-7 shall be accompanied by a certificate certifying that the bulbs have been thoroughly inspected at the time of packing and found or believed to be free of injurious plant diseases and insect pests. Finally, upon arrival at the American ports of entry, all shipments will be examined by inspectors of the Bureau of Entomology and Plant Quarantine and this examination will include the cutting of suspicious-looking bulbs

when necessary to determine their freedom from infestation by the bulb nematode. Any shipments found to be infested will be given the latest approved treatment or rejected. (Issued under § 319.37-9) [BEPQ 482, Chief, BEPQ, Nov. 10, 1938; 3 F.R. 2680]

§ 319.37-14a *Administrative instructions; limitations on special-permit plant material entered for propagation purposes under § 319.37-14.* * * *

LIST OF REPRESENTATIVE GENERA AND QUANTITY LIMITS

Genus	Yearly limits
Abutilon.....plants..	100
Acanthaceae.....do.....	1 250
Acidanthera.....corms..	1,000
Adiantum.....plants..	250
Adlumia.....roots....	250
Aloe vera (medicinal).....plants..	5,000
Aloe (ornamental).....do.....	250
Amaryllidaceae.....per genus..	1,000
Amherstia.....plants..	100
Ananas.....do.....	250
Andira.....do.....	100
Annona.....do.....	250
Anthemis.....divisions..	250
Antholyza.....bulbs....	1,000
Aponogeton.....plants..	500
Aralia.....plants..	500
Aralia.....cuttings..	2,500
Araceae.....plants..	1 250
Aristea.....bulbs....	1,000
Arundo (reed).....plants..	250
Avocado.....do.....	2,000
Babiana.....bulbs....	1,000
Bessera.....do.....	10,000
Bombax.....plants..	500
Bomarea.....do.....	250
Bougainvillea.....do.....	250
Brodiaea.....bulbs....	10,000
Bromeliaceae.....plants & suc..	250
Bromeliads.....plants..	1 250
Brosimum (breadnut).....do.....	100
Brownea.....do.....	100
Brunfelsia.....do.....	100
Bryophyllum.....do.....	250
Bulbocodium.....corms..	10,000
Bursera.....plants..	250
Cactus.....do.....	5,000
Calathea.....tubers....	1,000
Callicarpa.....plants..	100
Calluna.....do.....	250
Calochortus.....corms..	10,000
Calystegia.....plants..	250
Oalycanthus.....do.....	100
Campanilla.....do.....	250
Campanula.....do.....	1,000
Caragana.....do.....	100
Cardwellia.....tubers....	250
Cassia.....plants..	100
Cestrum.....do.....	200
Clethra.....do.....	100
Clivia.....do.....	500
Codiaeum.....do.....	100
Colocasia.....tubers....	1,000

Genus	Yearly limits
Convolvulus.....plants..	250
Cordyline.....do.....	250
Coriaria.....do.....	250
Cornus.....do.....	250
Crambe.....bulbs....	5,000
Crescentia.....plants..	250
Crinum.....bulbs....	1,000
Crococoma.....do.....	1,000
Croton.....plants..	500
Cryptocoryne.....do.....	500
Curcuma.....do.....	250
Cycadaceae.....do.....	1 250
Cycas.....do.....	250
Cyperus.....do.....	250
Daboecia.....do.....	500
Danae.....do.....	1,000
Datura.....do.....	250
Davidia.....do.....	100
Dianthus.....do.....	100
Dicentra.....divisions..	250
Dieffenbachia.....plants..	1,000
Dierama.....bulbs....	1,000
Diospyros.....scions....	1,000
Disanthus.....plants..	100
Echinacea.....do.....	250
Epigaea.....do.....	100
Erythrina.....do.....	100
Erythronium.....bulbs....	10,000
Eucharis.....do.....	500
Eugenia.....plants..	100
Eurycles.....bulbs....	1,000
Fagus.....plants..	100
Farquharia.....do.....	250
Fern.....do.....	250
Ficus.....do.....	250
Galtonia.....bulbs....	10,000
Gardenia.....plants..	1,000
Geissorhiza.....bulbs....	1,000
Genipa.....plants..	100
Gravisia.....do.....	250
Guaiacum.....do.....	100
Gypsophila.....do.....	250
Haemanthus.....bulbs....	250
Haworthia.....plants..	250
Heliconia.....do.....	250
Heliothis.....do.....	250
Hermodactylus.....roots....	1,000
Hippeastrum.....bulbs....	5,000
Homeria.....do.....	1,000
Inga.....plants..	100
Ismene.....bulbs....	10,000
Ixiolirion.....do.....	5,000
Ixora.....plants..	1,000
Jacaranda.....do.....	100
Juglans.....do.....	100
Kerria.....do.....	100
Koelreuteria.....do.....	100
Lantana.....do.....	1,000
Leucocrinum.....bulbs....	500
Lomatia.....plants..	1,000
Lonchocarpus.....stems....	10,000
Lupinus.....plants..	500
Malanthemum.....do.....	250
Mammea.....do.....	100
Mangifera.....do.....	100
Manihot.....do.....	250
Marica.....do.....	250
Meconopsis.....do.....	1,000

<i>Genus</i>	<i>Yearly limits</i>
Michelia ----- do -----	100
Monarda ----- do -----	250
Monstera ----- do -----	250
Moraea ----- bulbs -----	1,000
Montrichardia ----- plants -----	250
Myosotis ----- do -----	250
Myricaria ----- do -----	100
Nandina ----- do -----	250
Neanthe ----- do -----	250
Neillia ----- do -----	250
Nelumbium ----- roots -----	500
Nepenthes ----- plants -----	500
Nerine ----- bulbs -----	5,000
Nerium ----- plants -----	100
Nomocharis ----- do -----	500
Omphalodes ----- do -----	250
Ormosia ----- do -----	100
Orthrosanthus ----- rhizomes -----	1,000
Parthenium ----- plants -----	5,000
Petrea ----- do -----	1,000
Phaedranassa ----- bulbs -----	500
Phaeomeria ----- plants -----	250
Philodendron ----- do -----	500
Pinus ----- do -----	100
Plumieria ----- do -----	200
Polygonatum ----- do -----	250
Poterium ----- do -----	250
Prunus ----- do -----	200
Pulmonaria ----- do -----	250
Pyrus ----- do -----	250
Ramondia ----- do -----	1,000
Rhodohypoxis ----- do -----	250
Rudbeckia ----- do -----	250
Sandersonia ----- bulbs -----	1,000
Schizolobium ----- plants -----	100
Selaginella ----- do -----	100
Senecio ----- do -----	250
Shortia ----- do -----	500
Silene ----- do -----	250
Stapeiceae ----- do -----	250
Stenomesson ----- bulbs -----	5,000
Sterculia ----- plants -----	100
Streitzia ----- do -----	250
Succulents ----- do -----	¹ 250
Tabebuia ----- do -----	100
Thymus ----- do -----	250
Tiliandsia ----- do -----	250
Tree fern ----- do -----	250
Tropaeolum ----- do -----	250
Vaccinium ----- do -----	100
Veitheimia ----- bulbs -----	1,000
Vitis ----- plants -----	100
Warszewiczia ----- do -----	100
Zephyranthes ----- bulbs -----	1,000

¹ Per genus.

NOTE: § 319.37-14a was amended by adding the above items to the list of representative genera for which quantity limits have been determined (effective May 11, 1942), and by increasing by 25 percent for the year 1942 (effective July 1, 1942), and by 60 percent for the year 1943 (effective Jan. 16, 1943), the specified quantity limitations both as to the original and the supplemental list. BEPQ 523, Chief, BEPQ, May 6, 1942, and Supp. 1, Jan. 2, 1943; 7 F.R. 3464, 8 F.R. 472.

Subpart—Indian Corn or Maize, Broom-corn and Related Plants

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 319.41 to 319.41-6.

Subpart—Rice

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 319.55 to 319.55-7.

Subpart—Fruits and Vegetables

NOTE: For notice of quarantine and the text of the regulations in this subpart not appearing in this supplement, see 7 CFR Part 319.

RULES AND REGULATIONS

§ 319.56-2 *Restrictions on entry of fruits and vegetables.* All importations of fruits and vegetables must be free from plants or portions of plants, as defined in § 319.56-1 (b).

Dried, cured, or processed fruits and vegetables (except frozen fruits and vegetables), including cured figs, and dates, raisins, nuts, and dry beans and peas, may be imported without permit or other compliance with the regulations in this subpart: *Provided*, That any such articles may be made subject to entry only under permit and on compliance with the safeguards to be prescribed therein, when it shall be determined by the Secretary of Agriculture that the condition of drying, curing, or processing to which they have been subjected may not entirely eliminate risk. Such determination with respect to any such articles shall become effective after due notice.

Except as restricted, as to certain countries and districts, by special quarantines and other orders now in force and by such restrictive orders as may hereafter be promulgated, the following fruits may be imported from all countries under permit and on compliance with the regulations in this subpart: Bananas, pineapples, lemons, and sour limes. Grapes of the European or vinifera type and any vegetable, except as restricted by special quarantine as indicated above, may be imported from any country under permit and on compliance with the regulations in this subpart, at such ports as shall be authorized in the permits, on presentation of evidence satisfactory to the United States Department of Agriculture that such grapes and

vegetables are not attacked in the country of origin by injurious insects, including fruit and melon flies (*Trypetidae*), or that their importation from definite areas or districts under approved safeguards prescribed in the permits can be authorized without risk.

The following additions and exceptions are authorized for the countries concerned to the fruits and vegetables listed in the preceding paragraph: *Provided*, That as to such additions and exceptions, the issuance of permits may be conditioned on presentation of evidence satisfactory to the United States Department of Agriculture that such fruits and vegetables are not attacked in the country of origin by injurious insects, including fruit flies and melon flies; or that their importation from definite areas or districts under approved safeguards prescribed in the permits can be authorized without risk.

(a) *Frozen or treated fruits and vegetables from all countries*. Upon compliance with the regulations in this subpart and with such conditions as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, fruits and vegetables which have been treated, or are to be treated, under the supervision of a plant quarantine inspector of the Department, will be permitted entry under permit at such ports as may be specified in the permit, when, in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine, such importation may be permitted without pest risk.

(b) *Commonwealth of Australia; States of Victoria, South Australia, and Tasmania*. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from the States of Victoria, South Australia, and Tasmania under such conditions and at such ports as may be designated in the permits.

(c) *New Zealand*. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from New Zealand under such conditions and at such ports as may be designated in the permits.

(d) *Japan*. Upon compliance with the regulations under § 319.28, oranges of the mandarin class, including satsuma

and tangerine varieties, may be imported from Japan at the port of Seattle and such other northern ports as may be designated in the permits.

(e) *Mexico*. Potatoes may be imported from Mexico upon compliance with the regulations issued under § 321.1.

(f) *Argentina*. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from Argentina under such conditions and at such ports as may be designated in the permits.

(g) *Chile*. Upon compliance with the regulations in this subpart, fruits other than those listed in the second and third paragraphs of this section may be imported from Chile under such conditions and at such ports as may be designated in the permits.

(h) *West Indies*. Upon compliance with the regulations in this subpart all citrus fruits from the West Indies may be permitted entry at such ports as may be designated in the permits.

(i) *Jamaica*. Entry of pineapples from Jamaica is restricted to the port of New York or such other northern ports as may be designated in the permits.

(j) *Canada, and Newfoundland, including its mainland territory of Labrador*. Fruits and vegetables grown in the Dominion of Canada and in Newfoundland,¹ including its mainland territory of Labrador, may be imported into the United States from these countries free from any restrictions whatsoever under the regulations in this subpart.

(k) *General*. In addition to the fruits, the entry of which is provided for in the preceding paragraphs of this section, such specialties as hothouse-grown fruits and other special fruits, which can be accepted by the United States Department of Agriculture as free from risk of carrying injurious insects, including fruit flies (*Trypetidae*), may be imported under such conditions and at such ports as may be designated in the permits. [R. and regs., rev., Dept. Agric., Nov. 14, 1936, Amdt. 1, Feb. 24, 1940, effective Feb. 27, 1940; 5 F. R. 769]

¹The importation of potatoes into the United States is governed by the regulations issued under § 321.1.

§ 319.56-2b *Administrative instructions; conditions governing the entry of acorns and chestnuts*—(a) *Countries other than Canada.* The importation of acorns and chestnuts into the United States for purposes other than propagation, from all foreign countries and localities, except Canada, is authorized under permit under the provisions of § 319.56 as follows:

(1) *Authorized ports of entry.* Permits are issued on any port in the United States where this Bureau maintains inspection service in the enforcement of foreign plant quarantines.

(2) *Inspection.* All shipments are subject to inspection as a condition of entry.

(3) *Freedom from living stages of injurious insects.* Shipments shall be free of living stages of injurious insects including the European codling moth, *Laspeyresia* (*Carpocapsa*) *splendana*, and chestnut weevils, *Balaninus* spp., as a condition of release.

(4) *Infested shipments.* A shipment found to be infested with living stages of injurious insects shall be immediately destroyed unless in the judgment of the inspector it can be disposed of under adequate safeguards as the inspector may require in regard to handling, routing, etc., in one of the following ways:

- (i) Immediate exportation.
- (ii) Treatment at the first port of arrival.
- (iii) Shipment from a port of arrival where no treatment facilities are available to a port where such facilities are available.

(5) *Approved treating plants.* Shipments required to be treated as a condition of entry shall be treated under the supervision of an inspector of the Bureau of Entomology and Plant Quarantine at plants approved for the purpose by this Bureau. Approved plants are at present located at New York, San Pedro (Los Angeles), San Francisco, and Seattle.

(b) *Canada.* Acorns and chestnuts grown in and shipped from Canada are enterable without permit or other restriction when imported for purposes other than propagation. (Issued under § 319.56-2) [BEPQ 501, Chief, BEPQ, Aug. 21, 1939; 4 F.R. 3722]

§ 319.56-2f *Administrative instructions; conditions governing the entry of*

cipollini from Morocco. Shipments of *cipollini* (*Muscari comosum*) from Morocco have frequently been found infested at time of entry with an injurious insect, *Exosoma lusitanica*, not known to occur in the United States. The limited type of inspection at our disposal is not considered adequate to detect all cases of infestation and, since the effectiveness of methyl bromide fumigation in freeing this product from the insect in question is now well established, it has been decided to require this fumigation as a condition of entry for future shipments.

On and after December 7, 1939, therefore, fumigation with methyl bromide will be a condition of entry for all shipments of *cipollini* from Morocco. This treatment shall be carried out under the supervision of a plant quarantine inspector at the expense of the importer, and release of the shipment will be withheld until the treatment has been completed. In addition to fumigation only such inspection will be given as the inspector may judge necessary from time to time to determine pest conditions on arrival or to assure himself of the effectiveness of the treatment.

The entry of *cipollini* from Morocco may be made only through the ports of New York and Boston at which ports facilities for vacuum fumigation with methyl bromide, as herein required, are available. (Issued under § 319.56-2) [BEPQ 504, Chief, BEPQ, Dec. 7, 1939; 4 F.R. 4817]

Subpart—Flag Smut

NOTE: For notice of quarantine, see 7 CFR 319.59.

Subpart—Packing Materials

NOTE: For notice of quarantine and the text of the regulations in this subpart, see 7 CFR 319.69-319.69-5.

Subpart—Dutch Elm Disease

NOTE: For notice of quarantine, see 7 CFR 319.70.

Subpart—Coffee

SOURCE: §§ 319.73 to 319.73-3, inclusive, contained in Notice of Quarantine 73 and rules and regulations supplemental thereto, Secretary of Agriculture, Mar. 20, 1940, effective Apr. 1, 1940; 5 F.R. 1115.

QUARANTINE

§ 319.73 *Notice of quarantine.* Having found that an injurious coffee insect (*Stephanoderes* (*coffea* Hgdn.) *hampei* Ferr.), known as the coffee berry borer, and an injurious rust disease due to the fungus *Hemileia vastatrix* B. & Br., not heretofore widely prevalent or distributed within and throughout the United States, exist in various countries and localities throughout the world, the Secretary of Agriculture, pursuant to the provisions of the Plant Quarantine Act of August 20, 1912 (37 Stat. 315; 7 U.S.C. 151-167), as amended, has determined that, in order to prevent the introduction of the said pests into the Island of Puerto Rico, it is necessary to prohibit or restrict the importation into that Island from all foreign countries and localities of unroasted seeds or beans of coffee (*Coffea* spp.), coffee fruits or berries, and coffee plants and leaves.

Now, therefore, by virtue of the said Plant Quarantine Act, the public hearing required thereby having been duly held, notice is hereby given, first, that on and after April 1, 1940, the importation into the Island of Puerto Rico from all foreign countries and localities of (a) the seeds or beans of coffee which, previous to importation, have not been roasted to a degree which, in the judgment of an inspector of the Department of Agriculture, will have destroyed coffee borers in all stages, (b) coffee berries or fruits, and (c) coffee plants and leaves, is prohibited except by the Department of Agriculture for experimental and scientific purposes, and except for samples of unroasted coffee seeds or beans, and for shipments of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico; and, second, that the importation of samples of unroasted coffee seeds or beans, and importations of unroasted coffee seeds or beans in transit to destinations other than Puerto Rico, shall be made only under the restrictions provided in the rules and regulations supplemental hereto: *Provided*, That individual shipments of materials prohibited or restricted by this section may be exempted from its provisions in whole or in part when it shall have been determined by the Chief of the Bureau of Entomology and Plant Quarantine that

entry of the shipment in question may be made without risk of pest introduction.

RULES AND REGULATIONS

§ 319.73-1 *Permit.* All importations shall be made under permit and only at the port of San Juan.

§ 319.73-2 *Inspection and safeguard provisions.* Coffee samples shall not exceed 1 pound in weight and may be imported by mail, freight, express, or baggage. They shall be subject on arrival to inspection and fumigation or such other treatment as the plant quarantine inspector may require.

§ 319.73-3 *Restrictions on in-transit shipments.* In-transit shipments to foreign countries shall be subject to §§ 352.2-352.8, as revised. The same restrictions shall apply to shipments in transit to destinations elsewhere in the United States.

PART 320—MEXICAN BORDER REGULATIONS

Sec.

- 320.1 Administration.
- 320.2 Regulated vehicles, articles and materials.
- 320.3 Definitions.
- 320.4 Inspection.
- 320.5 Railway cars.
- 320.6 Vehicles, articles, and materials other than railway cars and unregulated boats.
- 320.7 Responsibility for opening and cleaning.
- 320.8 Responsibility for disinfection.
- 320.9 Fees for disinfection in government-owned facilities.

AUTHORITY: §§ 320.1 to 320.9, inclusive, issued under 56 Stat. 40; 7 U.S.C., Sup. 149.

SOURCE: §§ 320.1 to 320.9, inclusive, contained in Regulations, Secretary of Agriculture, Sept. 3, 1942, effective Sept. 8, 1942; 7 F.R. 7025.

§ 320.1 *Administration.* The Chief of the Bureau of Entomology and Plant Quarantine is charged with the administration of the provisions of this Act and the regulations in this part concurrently with the Plant Quarantine Act and the quarantines and orders issued thereunder.

§ 320.2 *Regulated vehicles, articles, and materials.*¹ To carry out the purpose

¹The entry of certain plants and plant products is regulated or prohibited by quarantines and regulations promulgated under the Plant Quarantine Act as amended.

of the aforesaid Act to prevent the introduction of insect pests and plant diseases the regulations in this part shall apply to railway cars, boats crossing the Rio Grande, aircraft, drawn or self-propelled vehicles (such as wagons, carts, trucks, automobiles), freight, baggage, containers, and articles or materials which may be contaminated with insect pests or plant diseases. The regulations in this part, however, shall not apply to railway cars, other vehicles, and other materials originating in and moving directly from the Northern Territory of Baja California, Mexico.

§ 320.3 *Definitions.* For the purpose of the regulations in this part the following words, names, and terms shall be construed, respectively, to mean:

(a) "Inspector" means an inspector of the Bureau of Entomology and Plant Quarantine, United States Department of Agriculture.

(b) "Owner or agent" includes both the singular and the plural and denotes the person, agent, firm, company, or official, having responsible custody of railway cars, vehicles, or other materials subject to these regulations.

(c) "Disinfection" includes any treatment or process designed to destroy insect pests or plant disease organisms.

(d) "Railway cars" includes all types of cars commonly employed in the transportation of freight, such as box, flat, tank, refrigerator, gondola, stock, etc.

(e) "Cleaning" means the removal, to the satisfaction of the inspector, of matter, other than the cargo and articles being moved, which may carry insect pests or plant diseases from railway cars, other vehicles, freight, express, baggage, and other materials.

(f) "Other vehicles" includes means of conveyance other than railway cars, such as aircraft, boats, automobiles, trailers, trucks, wagons, and carts, etc.

(g) "Other materials" includes all commodities, articles, and materials which may be the means of introducing insect pests or plant diseases into the United States.

§ 320.4 *Inspection.* As a condition of entry into the United States from Mexico all articles and materials designated in § 320.2 shall be subject to examination by an inspector for the purpose of determining whether they may enter the

United States without risk of introducing insect pests and plant diseases.

§ 320.5 *Railway cars.* When the inspector has determined by examination that railway cars may enter the United States without risk of introducing insect pests and plant diseases into the United States, he shall, insofar as these regulations may govern, permit their entry. If the examination discloses that any car is contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as condition of entry, cleaning, transfer of cargo, or disinfection, or all three. When cleaning alone has been prescribed and done to the satisfaction of the inspector he shall permit the entry of the cleaned cars, insofar as these regulations may govern entry. When disinfection is prescribed the entry of the cars shall be conditioned on their being fumigated, under the supervision of the inspector, either in a government-owned fumigation house or otherwise in a place and by methods prescribed by the inspector. Immediately upon entry of railway cars for fumigation they shall be moved by the owner or agent having charge of same directly to the government-owned fumigation plant or "spotted" at an approved place and before placing the cars in the fumigation chambers or "spotting" them for fumigating the railroad company servicing the cars shall cause the car doors to be opened and subsequent to fumigation it shall be the responsibility of the railroad company to remove the cars from the fumigation plant or place where they have been "spotted" and to close the car doors when the occasion requires. When the prescribed fumigation has been accomplished in manner required by the Chief of the Bureau of Entomology and Plant Quarantine, the inspector shall permit entry into the United States insofar as the regulations in this part may govern. The inspector may authorize temporary entry of railway cars under conditions to be prescribed by him for unloading or loading in railroad yards at the port of entry or for in-transit movement from and to Mexico.

§ 320.6 *Vehicles, articles, and materials, other than railway cars and unregulated boats.* When the inspector has determined by examination that vehicles, other than railway cars and unregulated boats, or any of the various articles and materials covered by the regulations in

this part may enter the United States without risk of introducing insect pests or plant diseases, he shall permit their entry insofar as the regulations in this part may govern. If the examination by the inspector discloses such regulated vehicles, articles, or materials are contaminated and would involve risk of introducing insect pests or plant diseases into the United States, he shall prescribe, as a condition of entry, cleaning, transfer of cargo, or disinfection, or any or all of these. The cleaning, transfer of cargo and disinfection shall be carried out under his supervision and to his satisfaction and until it has been so accomplished, entry into the United States shall be refused.

§ 320.7 *Responsibility for opening and cleaning.* The owner or agent in charge of railway cars, other vehicles, and freight, express, baggage, articles, or other materials shall open these for inspection as required by the inspector and provide reasonable access to every part thereof, and when cleaning is prescribed by the inspector as a condition of entry, shall so open, and clean, and do any and all things reasonably pertaining thereto as required by the inspector. All costs incident to entry, opening, and cleaning, except for the services of the inspector, shall be paid by the owner or agent in charge.

§ 320.8 *Responsibility for disinfection.* When disinfection involves fumigation the inspector will apply the fumigant whether in the houses erected for the purpose or in the cars themselves. If, in the judgment of the inspector, fumigation will not provide adequate safeguards against the introduction of insect pests and plant diseases, he may prescribe another type of disinfection which shall be applied by the owner or agent under the supervision of the inspector. Costs incident to such disinfection, other than the services of the inspector, shall be borne by the owner or his agent, or paid for as prescribed in § 320.9.

§ 320.9 *Fees for disinfection in government-owned facilities.* Prior to entry of railway cars or other vehicles requiring fumigation in government-owned facilities as a condition of entry, the owner or agent in charge shall buy fumigation coupons from the inspector in charge at the port of entry. The price fixed for these coupons shall represent as nearly as may be, the average cost of materials, facilities, and special labor used by the Bureau

of Entomology and Plant Quarantine in performing such fumigation. On the basis of the average cost for such fumigation over a period of years the inspector in charge shall, until further notice, collect a fee of \$4.00 for each coupon sold. Payments for coupons, if practicable, shall be in the form of postal money orders, or bank drafts or certified checks drawn on United States banks, drawn to the credit of the Treasurer of the United States. Payments in United States currency will be accepted if tendered. All fees so collected by the inspector shall be promptly turned into the Treasury of the United States as miscellaneous receipts in accordance with the practices approved by the Secretary of Agriculture.

PART 321—RESTRICTED ENTRY ORDERS

Subpart—Foreign Potatoes

- | | |
|-------|---|
| Sec. | |
| 321.1 | Order. |
| | IMPORTATION OF POTATOES |
| 321.2 | Definition. |
| 321.3 | General conditions governing potato importations. |
| 321.4 | Applications for permits for importation of potatoes. |
| 321.5 | Permits for entry of potatoes. |
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| 321.7 | Notice of arrival of potatoes by permittee. |
| 321.8 | Special provision for the importation of potatoes from the Dominion of Canada and Bermuda, the States of Chihuahua and Sonora, and the Northern Territory of Baja California, Mexico, into the United States. |

Subpart—Foreign Cotton Lint

- | | |
|---------|--|
| 321.101 | Order. |
| | IMPORTATION OF COTTON AND COTTON WRAPPINGS |
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| 321.106 | Notice of arrival by permittee. |
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| 321.108 | Notice of shipment of undisinfected cotton by permittee. |
| 321.109 | Licenses required for disinfection plants. |
| 321.110 | Return to the United States of cotton previously exported therefrom. |

Sec.

- 321.111 Restrictions governing the entry of cotton from Imperial Valley, Lower California, Mexico.
- 321.112 Importation of secondhand burlap or other fabric which has been used or of the kinds ordinarily used for wrapping cotton subject to restrictions.
- 321.112a Administrative instructions, conversion of certain classes of burlap into paper or other approved treatment as the equivalent of the disinfection required by § 321.112.
- 321.113 Revocation of permits and licenses.
- 321.114 Provision for the entry via border ports of cotton lint and linters from Mexico.
- 321.115 Administrative instructions; cotton samples.
- 321.116 Administrative instructions; waste.

Subpart—Cottonseed Products From All Foreign Countries

ORDER

- 321.201 General order.
- 321.202 Order; cottonseed oil from Mexico.

RULES AND REGULATIONS

- 321.203 Applications for permits.
- 321.204 Permits for entry.
- 321.205 Notice of arrival.
- 321.206 Conditions of entry.
- 321.207 Entry of cottonseed oil from Mexico restricted.
- 321.208 Imperial Valley, Lower California, Mexico, exempt from the regulations in this subpart.

Subpart—Foreign Potatoes

NOTE: For the text of the regulations in this subpart, see 7 CFR 321.1 to 321.8.

Subpart—Foreign Cotton Lint

NOTE: For the text of the regulations in this subpart not appearing in this supplement, see 7 CFR Part 321.

IMPORTATION OF COTTON AND COTTON WRAPPINGS

§ 321.114 *Provision for the entry via border ports of cotton lint and linters from Mexico.* Baled cotton lint and linters produced in Mexico may be imported into pink bollworm infested areas of the United States through border ports approved by the Chief of the Bureau of Entomology and Plant Quarantine for that purpose, subject to such treatment on arrival as is required under §§ 301.52-1 to 301.52-12, for the interstate move-

ment of cotton lint and linters produced in those areas: *Provided, however,* That no cotton lint and linters produced in areas of Mexico determined by the Chief of the Bureau of Entomology and Plant Quarantine as heavily infested with the pink bollworm may enter the United States under the provisions of this section unless such areas are adjacent to heavily infested areas of the United States.

Baled cotton lint and linters produced in areas of Mexico determined by the Chief of the Bureau of Entomology and Plant Quarantine to be uninfested with the pink bollworm may be imported through border ports approved by the Chief of the Bureau of Entomology and Plant Quarantine for that purpose subject to compression at compresses designated in the permit.

This section leaves in full force and effect the provisions of § 321.111 affecting the entry of cotton grown in the Imperial Valley in the State of Lower California, Mexico. (Sec. 5, 37 Stat. 316; 7 U.S.C. 159) [R. and regs., Sec. Agric., as amended June 30, 1938; 3 F.R. 1619]

Subpart—Cottonseed Products From All Foreign Countries

NOTE: For the text of the regulations in this subpart, see 7 CFR 321.201 to 321.208.

PART 322—IMPORTATION OF ADULT HONEYBEES INTO THE UNITED STATES

REGULATIONS

Sec.

- 322.1 Definition of bee diseases.
- 322.2 Definition of adult honeybees.
- 322.3 Importation of adult honeybees prohibited except as hereinafter provided.
- 322.4 Adult honeybees may be imported by the Department of Agriculture for experimental and scientific purposes.
- 322.5 Adult honeybees may be imported from countries free from bee diseases.
- 322.6 State laws on control of diseases of bees to be respected.

SPECIAL RULES

- 322.7 Importations of queenbees restricted to certain classes of institutions and persons.
- 322.8 Queenbees may be imported only from experienced and recognized breeders.

- Sec.
322.9 No responsibility attached to the Department of Agriculture for death of queenbees en route.
- 322.10 Cooperation with Department of Agriculture required of persons receiving imported queenbees.

NOTE: For the text of the regulations in this part, see 7 CFR Part 322.

PART 351—IMPORTATION OF PLANTS OR PLANT PRODUCTS BY MAIL

- Sec.
351.1 Regulations governing the joint treatment of plant products imported by mail.
- 351.2 Location of inspectors.
- 351.3 Procedure on arrival.
- 351.4 Records.
- 351.5 Return or destruction.
- 351.6 Packages in closed mail dispatches.
- 351.10 Regulations governing importation by mail of plant material for immediate export.

NOTE: For the text of the regulations in this part, see 7 CFR Part 351.

PART 352—TREATMENT OF RESTRICTED OR PROHIBITED PLANTS OR PLANT PRODUCTS TEMPORARILY IN THE UNITED STATES

ORDER

- Sec.
352.1 Safeguarding plants and plant products.

REGULATIONS

- 352.2 Definitions.
- 352.3 Permits for landing or unloading for exportation or for transportation and exportation.
- 352.4 Application for permit.
- 352.5 Issuance of permits.
- 352.6 Notice of arrival.
- 352.7 Conditions governing landing for exportation.
- 352.8 Disposal of restricted or prohibited plants and plant products, the entry or landing of which is not intended, or for which entry is refused, while they are within the territorial limits of the United States.
- 352.9 Administrative instructions; citrus fruit from Mexico in transit to foreign countries via the United States.

NOTE: For the text of §§ 352.1–352.8, see 7 CFR Part 352.

REGULATIONS

§ 352.9 *Administrative instructions; citrus fruit from Mexico in transit to foreign countries via the United States.* Citrus fruit as referred to herein is de-

fined as all citrus fruit other than lemons and sour limes.

To prevent the entry into the United States of an injurious insect known as the Mexican fruit fly (*Anastrepha ludens* (Loew)) the importation from Mexico of citrus fruit, except lemons and sour limes, for consumption in the United States is not authorized under § 319.56 of this chapter, its governing quarantine, unless so treated as to eliminate pest risk.

However, in accordance with §§ 352.2–352.8, which provide for the entry of prohibited commodities for immediate transportation and exportation in bond or for immediate export when such movement can be made without risk to the plant cultures of the United States, Mexican citrus fruit is authorized to enter for either of these purposes as follows:

(a) *Entry via ports on the Mexican border*—(1) *Permits.* Permits shall be procured in advance of shipment from the Bureau of Entomology and Plant Quarantine, Washington, D. C., by the forwarding agent or other representative of the consignee or consignor in the United States. Application for permits shall indicate the proposed routing of the shipment. Separate permits shall be procured for each port of entry and for each country of destination but permits as issued will be continuing for shipments over the approved routes designated therein.

(2) *Origin of citrus fruit.* Entry is limited to citrus fruit produced in and shipped from the State of Sonora, Mexico.

(3) *Authorized ports of entry.* Nogales and Naco, Ariz.

(4) *Period of entry.* Entry is authorized throughout the entire year.

(5) *Notice of arrival.* Prior to entry, a notice of arrival shall be submitted to the collector of customs at the port of entry in duplicate on a form provided for that purpose giving the initials and number of the railroad car, and the authorized routing.

(6) *Inspection.* Each shipment shall be subject to inspection at the port of entry to determine the nature of the contents and freedom from pests.

(7) *Disinfection.* Each car shall be subject to such disinfection at the port of

entry as the plant quarantine inspector shall require.

(8) *Authorized bonded rail movement.* All shipments shall move in refrigerator cars from Sonora through Nogales or Naco, Ariz., by direct authorized rail routing in bond under customs seal without diversion from the port of entry to the port of exit as follows:

(i) *To Canada.* Movement is limited to direct eastward rail routing to El Paso thence to Canada by any direct rail route which does not pass west of the direct rail routes through Salt Lake City, Utah, and Portland, Oreg., or southeast of the direct rail routes through San Antonio, Tex., and St. Louis, Mo.

(ii) *To Mexico.* Movement for return to Mexico is limited to direct eastward rail routing for export through border ports between and including Nogales and El Paso.

(9) *Cleaning of cars prior to return to the United States.* Cars conveying Mexican citrus fruit through the United States to Canada or Mexico shall be carefully swept and freed of all fruit, as well as boxes and other rubbish, by the railroad company involved prior to reentry into the United States.

(b) *Entry via North Atlantic ports.* Conditions as set forth in paragraphs

(a)(1), (a)(5), (a)(6), and (a)(9) of this section; and in addition as follows:

(1) *Origin of citrus fruit.* Citrus fruit produced in any part of Mexico.

(2) *Authorized ports of entry.* New York and Boston and such other northern ports as may later be approved.

(3) *Period of entry.* Entry is authorized only during the period October 15 to March 15.

(4) *Authorized routing.* All shipments shall move by water direct to New York or Boston or to such other northern ports as may later be approved for immediate direct export or for immediate transportation and exportation in bond by direct approved rail route to Canada. (Issued under §§ 352.2–352.8) [BEPQ 507, Chief, BEPQ, Jan. 24, 1940; 5 F.R. 321]

PART 353—SANITARY EXPORT CERTIFICATION

Sec.	
353.1	Definitions.
353.2	Administration.
353.3	Where service is offered.
353.4	Products covered.
353.5	Application for certification.
353.6	Inspection.
353.7	Certificates.
353.8	Fees.
353.9	Publications.

NOTE: For the text of the regulations in this part, see 7 CFR Part 353.

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